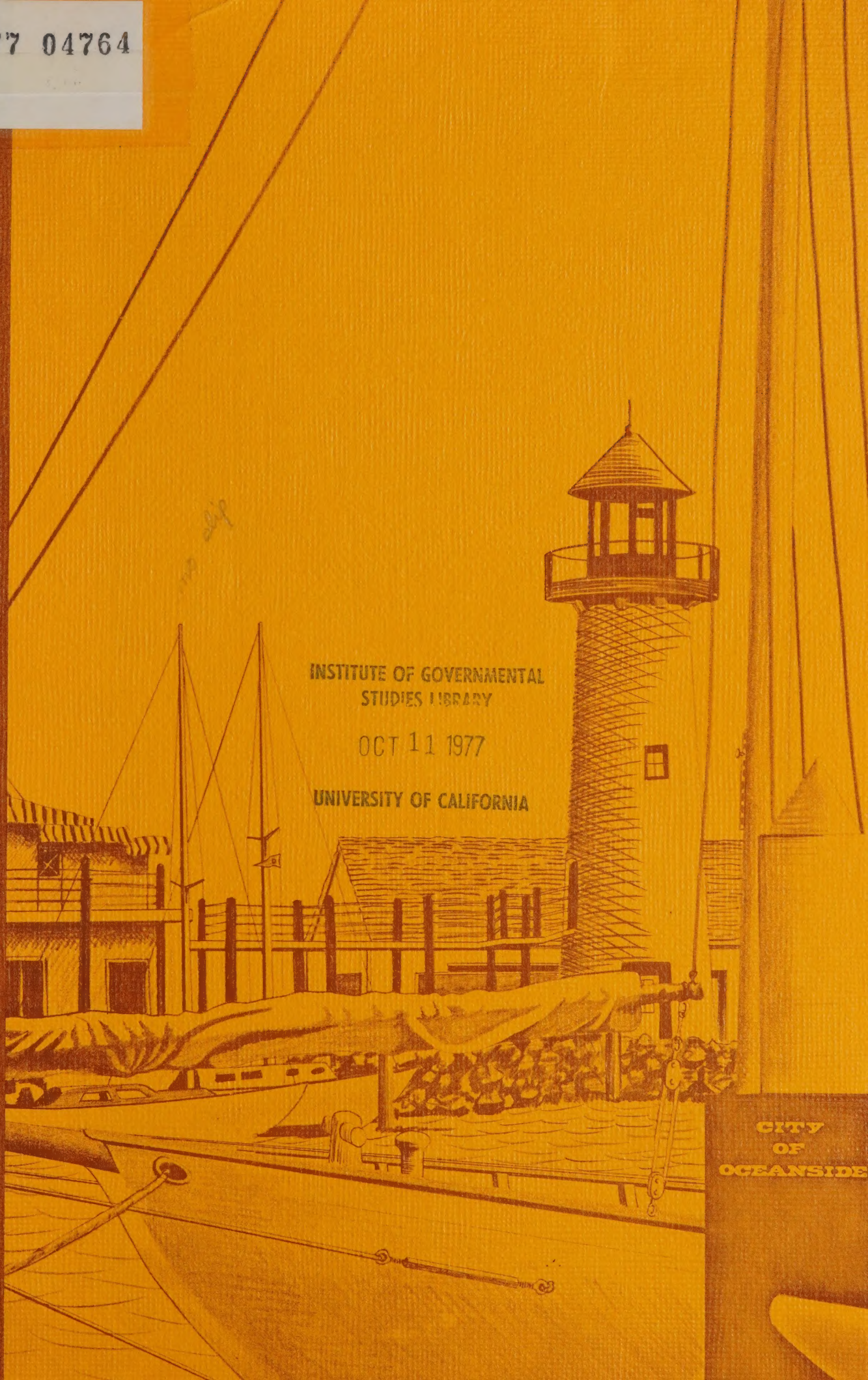


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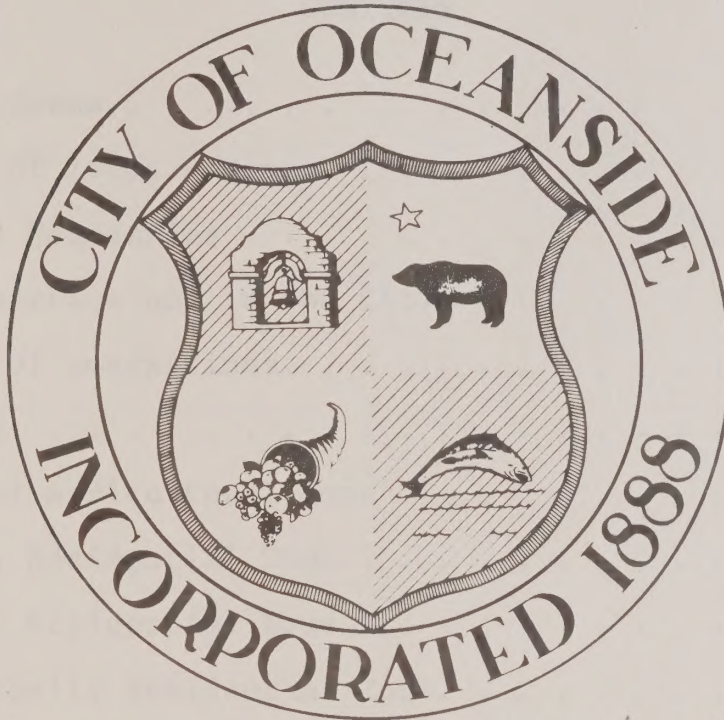
CITY  
OF  
OCEANSIDE







This Ordinance includes all amendments and/or revisions prior to January 1, 1977.



*Oceanside, Ordinance.*

# **CITY OF OCEANSIDE, CALIFORNIA**

COUNTY OF SAN DIEGO  
CALIFORNIA

*Zoning Subdiv.*      *Oceanside*

## CITY COUNCIL

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Melvin J. Smith

Douglas M. Avis

Carl E. Pruitt

Lucy R. Chavez

Daniel E. Stone,  
City Manager

Irene Duehren,  
City Clerk

## PLANNING COMMISSION

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George S. Washburn

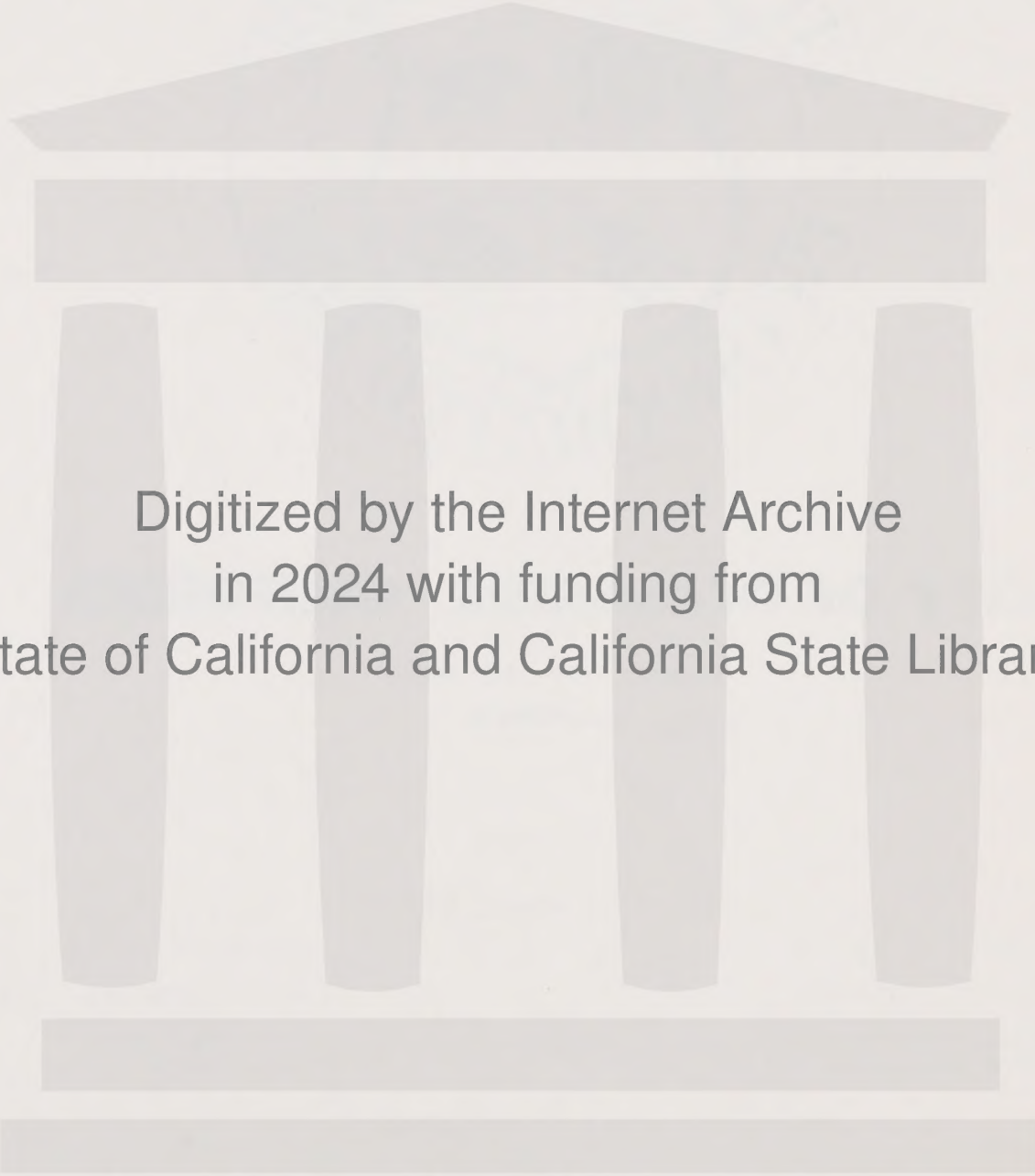
Jean E. Kreinbihl

Walter G. Ulloa

William G. Blake

Keith B. Enger

Louis N. Lightfoot,  
Planning Director



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## ARTICLE I

### DECLARATION OF PURPOSE

Section 100: PURPOSE OF ORDINANCE. The official Zoning Ordinance for the City of Oceanside is hereby adopted and established to serve as an implementation tool to further the objectives of and establish consistency with the Land Use Element of the General Plan, to protect the public health, safety and general welfare of the residents and to provide economic and social benefits from an orderly planned use of land resources.

Section 101: NAME OF ORDINANCE. This ordinance shall be known as "The Comprehensive Zoning Ordinance."

Section 102: PROVISIONS NOT AFFECTED BY HEADINGS. Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.

Section 103: TENSES. The present tense includes the future, and the future the present.

Section 104: NUMBER. The singular number includes the plural, and the plural the singular.







## ARTICLE 2

### DEFINITIONS

Section 200: USE OF DEFINITIONS. Unless the provision or context otherwise requires, the definitions in this Article shall govern the construction of this ordinance.

Section 201: ACCESSORY BUILDING OR USE. "Accessory building or use" means a building, part of a building or structure, or use which is subordinate and incidental to that of the main building, structure or use on the same lot. If an accessory building is attached to the main building by at least a four-foot common wall, such accessory building shall be considered a part of the main building.

Section 202: ALLEY. "Alley" means a public thoroughfare or way having a width of not more than thirty feet which affords only a secondary means of access to abutting property.

\* Section 202.1: AMUSEMENT PARK. Any permanent establishment offering a variety of unique or 'thrill' attractions or exhibits for the purpose of recreation and entertainment, either in a carnival or 'theme' atmosphere which charges admission to the public either for entrance to the park or for entrance to the individual attractions or exhibits. Such uses conducted on a temporary basis shall be defined as a carnival, circus, rodeo or air show.

Section 203: APARTMENT. "Apartment" means a room, or suite of two or more rooms in a multiple dwelling, occupied or suitable for occupancy as a residence for one family.

Section 204: APARTMENT HOUSE. "Apartment House" means a building or a portion of a building, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

\* Section 204.1: ARCADE. Any place having five or more coin-operated, slug-operated, or any type of amusement or entertainment machines for which payment is necessary for operation. These include pinball or other type of game or entertainment machines, but do not include merchandise vending machines.

\* Section 204.2: AUTOMATIC CAR WASH. A building or site, or portion thereof, designed and intended for washing motor vehicles; containing mechanical equipment, conveyors, blowers; and washing, rinsing or drying facilities and the like, for such purposes; whether designed as a principal or an accessory use, and attended or unattended.

Section 205: AUTOMOBILE REPAIR. "Automobile repair" means mechanical repair of passenger cars and trucks not exceeding one and one-half tons capacity. Incidental body and fender repair shall be construed as being a part of automobile repair only when it is clearly established that the body-fender repair is a minor part of the total operation.

Section 206: AUTOMOBILE WRECKING. "Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

\* Section 206.1: BAR - COCKTAIL LOUNGE. Any premise designed, used or intended to be used for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food is not sold or served to the public as in a bona fide restaurant.

Section 207: BASEMENT. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

\* Section 207.1: BATHHOUSE. Any premise where, for a fee, charge or other like consideration, the patron has the opportunity to bathe in communal, private, sauna, jacuzzi, or other therapeutic bath.

Section 208: BLOCK. "Block" means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus, or dead end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Section 209: BOARDING HOUSE. "Boarding house" means a building where lodging and meals are provided for compensation for not more than five persons, in any combination thereof, but shall not include rest homes or convalescent homes.

\* Section 209.1: BODY STUDIO. A body studio is any premises, other than a massage parlor, reducing salon, or public bathhouse upon which is furnished for a fee, a charge, or other like consideration the opportunity to paint, massage, feel, handle, or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touched by another person or to observe, view or photograph any such activity; and includes any such premises which is advertised or represented in any manner whatsoever as a 'body painting studio,' 'model studio,' 'sensitivity awareness studio' or any other expression or characterization which conveys the same or similar meaning and which leads to the reasonable belief that there will be furnished on such premises the above-described activities. Examples of such body studios include but are not limited to the following: rap parlors, escort services, schools of sexual techniques, nudist colonies, bottomless, topless floor shows, burlesque shows.

Section 210: BUILDING. "Building" means any structure having a roof, but excluding all forms of vehicles even though immobilized. Where this ordinance requires, or where special authority granted pursuant to this ordinance requires that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides".



Section 211: BUILDING HEIGHT. "Building height" means the vertical distance measured from the average level of the highest and lowest point of that portion of the building-site covered by the building to the ceiling of the uppermost story.

Section 212: BUILDING, MAIN. "Main building" means the principal building on a lot or building-site designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of group houses, each such permissible building on one lot as defined by this ordinance shall be construed as comprising a main building.

Section 213: BUILDING-SITE. "Building-site" means (a) the ground area of one lot, or (b) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces as required by this ordinance.

Section 214: BUNGALOW COURT. "Bungalow court" shall mean a group of three or more detached one-story, one-family or two-family dwellings located upon a single lot, together with all open spaces required by this ordinance.

Section 215: BUSINESS OR COMMERCE. "Business" or "commerce" means the purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management of office building, offices, recreational or amusement enterprises; or the maintenance and use of offices, structures and premises by professions and trades rendering service.

\* Section 215.1: CARDROOM. Any space, room or enclosure furnished or equipped with a table or tables, used or intended to be used as a card table or card tables, for the playing of cards and similar games and the use of which is available to the public, or any portion of the public, except any bona fide nonprofit society, club, fraternal or other organization.

Section 216: CARPORT. See definition contained in Article 27.

Section 217: CELLAR. "Cellar" means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance between the ceiling and the average adjoining ground level is equal to or greater than the vertical distance from grade to ceiling.

\* Section 218: CLUBS, MEETING PLACES, LODGES. Any building, structure, room, enclosure or space used as a gathering place for members of a political, service, religious, fraternal, social, or other type of nonprofit organization including 'community centers' generally available as service and meeting centers for members of a particular neighborhood. This does not include clubhouses or meeting rooms for the exclusive use of residents of a bona fide apartment complex, Planned Residential or Planned Community Development.

Section 219: CLUSTER DEVELOPMENT. See definition and examples contained in Article 3, Section 313.

\* Section 219.1: COMMERCIAL HORSE STABLE. Shall mean any parcel where five or more equines are boarded, maintained, kept, housed, lodged, fed, trained, sold, bred or where instruction is offered as a commercial activity.

Section 220: COMMISSION. "Commission" shall mean the Planning Commission of the City of Oceanside, California.

\* Section 220.1: CONVENIENCE FOOD STORE. Shall mean a mini-grocery store generally containing less than 5,000 square feet designed to serve residential neighborhoods and is generally open 24 hours.

Section 221: COURT. "Court" means any portion of the interior of a lot or building-site which is wholly or partially surrounded by buildings, and which is not a required front, side or rear yard.

Section 222: DAIRY. "Dairy" means any premises where three or more cows, three or more goats, or any combination thereof, are kept, milked or maintained.

Section 223: DAY CARE CENTER. Nursery.

\* Section 223.1: DRIVE-IN FACILITIES. Any place of business, excluding gasoline service stations, which transact any part or all of its business directly with customers within a vehicle.

Section 224: DUMP. "Dump" means an area devoted to the disposal of refuse, including incineration, reduction, or dumping of ashes, garbage, combustible or noncombustible refuse, offal or dead animals.

Section 225: DWELLING. "Dwelling" means a building or portion thereof designed exclusively for residential purposes, including single-family, two-family, and multiple dwellings, but not including hotels.

Section 226: DWELLING UNIT. "Dwelling unit" means one or more rooms in a dwelling or apartment house and designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

Section 227: DWELLING, SINGLE FAMILY. "Single-family dwelling" means a building designed exclusively for occupancy by one family and containing one dwelling unit.

Section 228: DWELLING, TWO-FAMILY. "Two-family dwelling" means a building designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units.

Section 229: DWELLING, MULTIPLE. "Multiple dwelling" means a building, or portion thereof, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.



Section 230: EDUCATIONAL INSTITUTION. "Educational institution" means elementary, junior high, high schools, colleges or universities or other schools giving general academic instruction in the several branches of learning and study required to be taught by the Education Code of the State of California.

\* Section 230.1: EXPANDABLE HOME. An expandable home is a home in which as part of the initial development one or more rooms are not completely finished; however, the home is so designed that it would be possible to live in that portion of the house which is completed. The unfinished portion is designed to be completed by the homeowner at some future time.

Section 231: FAMILY. "Family" means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons, excluding servants, living together as a single housekeeping unit in a dwelling unit.

\* Section 231.1: FREIGHTING OR TRUCKING YARD OR TERMINAL. Any building, structure, enclosure or area used primarily as a shipping, receiving or distribution point for freight of any type being moved by truck including dispatching and repair of vehicles, temporary storage and warehousing and overnight parking of vehicles.

Section 232: GARAGE, PRIVATE. "Private garage" means an accessory building or an accessory portion of the main building, enclosed on all sides and designed or used primarily for the shelter or storage by the occupants of the main building.

Section 233: GARAGE, PUBLIC. "Public garage" means a building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept for rental, lease, hire or sale.

Section 234: GRADE. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

Section 235: GREENHOUSE. "Greenhouse" means a building or structure constructed chiefly of glass, glass-like, translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers, or other tender plants.

Section 236: GROUP HOUSES. "Group houses" means two or more separate buildings, each containing one or more dwelling units, and including row houses.

Section 237: GUEST HOUSE OR ACCESSORY LIVING QUARTERS. "Guest house" or "accessory living quarters" means living quarters within an accessory building for the use of persons employed on the premises, or for temporary use by guests of the occupants of premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

Section 238: HOSPITAL. "Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by the State of California to provide facilities and services in surgery, obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders, but not excluding surgical and post-surgical treatment of mental cases.

Section 239: HOSPITAL, MENTAL. "Mental hospital" means an institution licensed by the State of California to offer facilities, care and treatment for cases of mental and nervous disorders but not licensed to provide facilities and services in surgery, obstetrics, and general medical practice. Establishments limiting services to juveniles below the age of five years, and establishments housing and caring for cases of cerebral palsy are specifically excluded from this definition.

Section 240: HOSPITAL, SMALL ANIMAL. "Small animal hospital" means an establishment in which veterinary services, clipping, bathing, boarding and other services are rendered to dogs, cats and other small animals and domestic pets.

Section 241: HOTEL. "Hotel" means a building or group of buildings in which there are six or more guest rooms where lodging with or without meals is provided for compensation. A hotel may provide space for shops or stores within its confines for commercial uses as are otherwise permitted in the zone in which it is located. Dining facilities are recognized as a normal appurtenant use in hotels in any zone in which hotels are permitted. The term "hotel" shall not include jails, hospitals, asylums, sanatoriums, rest homes, orphanages, prisons, detention homes, or similar buildings where human beings are housed and detained under legal restraint.

Section 242: INSTITUTION. "institution" means an establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational or similar services to the public, groups, or individuals.

Section 243: KENNEL. "Kennel" means a place where four or more adult dogs or cats are kept, whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation. An adult dog or cat is an animal of either sex, altered or unaltered, that has reached the age of four months.

Section 244: KITCHEN. "Kitchen" means any room, or portion of a room, used or intended or designed to be used for cooking or the preparation of food.

\* Section 244.1: LIGHT EQUIPMENT RENTAL YARD. Any outdoor enclosure or area used for storage, pickup and delivery of light equipment. Light equipment shall mean general maintenance and construction equipment generally capable of being used by the average homeowner or businessman and transported by passenger vehicle or pickup truck.



\* Section 244.2: LIQUOR STORE. A place or business engaged in the primary business of off-sale alcoholic beverages. For the purposes of this ordinance, primary business shall mean 25% or more of the shelf area of a business.

\* Section 244.3: LOCKER CLUB - CHECKROOM. A room, space or enclosure in which personal property may be deposited for temporary safekeeping and for which deposit a check, ticket, key, certificate or token is issued in order that such goods may be identified and redeemed.

Section 245: LODGING HOUSE. "Lodging house" means the same as boarding house, but no meals shall be provided.

Section 246: LOT. "Lot" means land occupied or to be occupied, by a building, group of buildings or uses, and accessory buildings, together with such yards and lot area as is required by this ordinance, and having its frontage upon a street.

Section 247: LOT AREA. "Lot area" means the total horizontal area within the boundary lines of a lot.

Section 248: LOT, CORNER. "Corner lot" means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than one hundred thirty-five degrees.

Section 249: LOT DEPTH. "Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line, connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

Section 250: LOT, INTERIOR. "Interior lot" means a lot other than a corner lot or reversed corner lot.

Section 251: LOT, KEY. "Key lot" means the first lot to the rear of a reversed corner lot, whether or not separated by an alley.

Section 252: LOT LINE, FRONT. "Front lot line" means in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the front lot line shall be the line separating the narrowest street frontage of the lot from the street.

Section 253: LOT LINE, REAR. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

(a) for a triangular or goreshaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of such lot shall be used as the rear lot line;

(b) in the case of a trapezoidal lot the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded rear lot line; or

(c) in the case of pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

Section 254: LOT LINE, SIDE. "Side lot line" means any lot boundary line not a front lot line or a rear lot line.

Section 255: LOT, REVERSED CORNER. "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

Section 256: LOT, THROUGH. "Through lot" means a lot having frontage on two parallel or approximately parallel streets.

Section 257: LOT WIDTH. "Lot width" means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines, provided that the length of the line constituting the rear line of the required front yard shall never be less than the required lot width established in each zone.

\* Section 257.1: MASSAGE PARLOR. Any establishment wherein a principal function is such that massage is given, engaged in or carried on or permitted to be given, engaged in or carried on.

Section 258: MOBILE HOME PARK. "Mobile home park" means any area or tract of land, designed or used to accommodate mobile homes and appurtenant uses such as recreation facilities, clubhouses and laundry rooms.

Section 259: MOTEL OR TOURIST COURT. "Motel" and "tourist court" means a group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients, and such words shall include auto courts and motor lodges. An establishment shall be considered a motel when it is required by the Health and Safety Code of the State of California to obtain the name and address of the guests, the make, year and license number of the vehicle and the State in which it was issued.

Section 260: NONCONFORMING STRUCTURE. "Nonconforming structure" means any structure legally contracted or established which fails to conform to the regulations of this ordinance, other than use regulations, for the district in which it is located by reason of the



adoption of this ordinance or any amendment hereto or by reason of annexation of territory to the City. Structures not legally established, which fail to conform to the provisions of this ordinance, shall be deemed to be illegal structures.

Section 261: NONCONFORMING USE. "Nonconforming use" shall mean a use legally established and existing which fails to conform with the use regulations of the district in which located by reason of the adoption of this ordinance, or any amendment thereto, or by reason of annexation of territory to the City. Uses not legally established, which fail to conform to the provisions of this ordinance, shall be deemed to be illegal uses.

Section 262: NONCONFORMING LOT. "Nonconforming lot" means a lot or portion thereof which was legally subdivided, but which because of changes to the Subdivision or Zoning Ordinances does not conform to lot width, depth or area requirements of the zone in which it is located.

Section 263: NURSERY. Day Care Center.

Section 264: OUTDOOR ADVERTISING DISPLAY. "Outdoor advertising display" means any card, paper, cloth, metal, glass, wooden or other display or device of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, rock, structure or thing whatsoever.

Section 265: OUTDOOR ADVERTISING STRUCTURE. "Outdoor advertising structure" means a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising display may be placed.

\* Section 265.1: RECREATIONAL FACILITY (COMMERCIAL). Shall mean any recreational facilities operated as a business and open to the general public for a fee.

\* Section 265.2: PAWNSHOP. Any establishment conducted, managed, or otherwise operated for the business of loaning money, either for the proprietor or for any other person, upon any personal property, personal security or by purchasing personal property and reselling such articles to the vendor or other assignee at prices previously agreed upon.

\* Section 265.3: POOL HALL or BILLIARD PARLOR. A place where billiards or pool is played for charge; consisting of two or more pool or billiard tables, provided, however, that this term shall not apply to any nonprofit society, fraternal club, labor or other organization having adopted bylaws and duly elected directors and members having exclusive use of the playing facilities for which use no charge is made.

\* Section 265.4: PRODUCE SALES. On-site stands for sales of agricultural products meeting the following three conditions:

1. Part of sales must be of locally grown produce.

2. Primary use of property must be for production of agricultural products.

3. There shall be no sales of hard goods, alcoholic beverages, manufactured or processed articles other than food stuffs.

Section 266: RECREATIONAL VEHICLE. "Recreational vehicle" means a vehicle designed for pleasure uses; example: campers, motor homes, trailers.

Section 267: RECREATIONAL VEHICLE PARK. "Recreational vehicle park" means an area established for the overnight parking on a temporary basis of recreational vehicles. Any or all of the following amenities could be provided: electricity, water and waste disposal connections, public restrooms and baths, snack bar, commercial facilities for convenience items, picnic area. Development of such parks shall be to the standards as established by the Zoning Ordinance.

Section 268: REST HOME, CONVALESCENT HOME or GUEST HOMES. "Rest home", "convalescent home" or "guest home" means a home operated as a boarding house, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons; but in which are kept no persons suffering from a mental sickness, disease, disorder or ailment or from a contagious or communicable disease, and in which are performed no surgery, maternity or other primary treatment such as are customarily provided in sanitariums or hospitals or in which no persons are kept or served who normally would be admittable to mental hospitals.

\* Section 268.1: RESTAURANT. A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods, which may be required for ordinary meals. As used in this definition, the word 'meals' means the usual assortment of foods commonly ordered at various hours of the day; the service of only such foods as sandwiches or salads shall not be deemed a compliance with this requirement. As used in this definition, the word 'guests' shall mean persons who, during the hours when meals are served therein, come to a restaurant for the purpose of obtaining, and actually order and obtain, at such time, in good faith, a meal therein.

Section 269: SANITARIUM. "Sanitarium" means a health station or retreat or other place where resident patients are kept, and which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to patients and injured persons and licensed by the State of California to provide facilities and services in surgery, obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders, but not excluding surgical treatment of mental cases.

\* Section 269.1: SECONDHAND STORE. Any establishment operating in the business of buying and selling used jewelry, watches, diamonds, clothing, musical instruments, luggage, sporting goods, furniture and junk.



Section 269.2: SERVICE STATION. Any building, structure, premise or other place for the retail, wholesale or other dispensation of motor fuels, lubricants and motor vehicle accessories and the rendering of minor services and repairs to such vehicles but not including painting or body and fender repair.

Section 270: SIGN. See definitions contained in Article 26.

Section 271: STABLE, PRIVATE. "Private stable" means a detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale.

Section 272: STABLE, PUBLIC. "Public stable" means a stable other than a private stable.

Section 273: STAND. "Stand" means a structure for the display and sale of products with no space for customers within the structure itself.

Section 274: STORY. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

Section 275: STREET. "Street" means a public or recorded private thoroughfare which affords primary means of access to abutting property.

Section 276: STREET LINE. "Street line" means the boundary line between a street and the abutting property.

Section 277: STREET, SECONDARY. "Secondary street" means a collector street other than a single family collector street as defined in the Major Street Plan, having a pavement width of not less than 56 feet.

Section 278: STREET, SIDE. "Side street" means a street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

Section 279: STRUCTURE. "Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls less than six feet in height.

Section 280: STRUCTURAL, ALTERATIONS. "Structural alterations" means any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.

\* Section 280.1: SWAP LOTS. Any building, structure, enclosure, lot or other area into which persons are admitted to display,

exchange, barter, buy, sell or bargain for new or used merchandise. This includes but is not limited to any such areas established primarily as a swap lot, as well as areas planned to be used on a regular, although secondary, basis as a swap lot, such as drive-in theaters and parking lots.

Section 281: THEATER. "Theater" means a place, building, or portion of a building so arranged that a body of spectators can have an unobstructed view of a stage or screen on which live or filmed entertainments are given and for which an admission fee is received; it shall also mean, within the context of this ordinance, the operation of any commercial establishment wherein motion pictures are shown either as the principal business, an appurtenant business, or added attraction in connection with other business.

Section 282: TO PLACE. The verb "to place" and any of its variants as applied to advertising displays and outdoor advertising structures, includes maintaining, erecting, constructing, posting painting, printing, nailing, glueing or otherwise fastening, affixing or making visible in any manner whatsoever.

\* Section 282.1: TRADE SCHOOL or SPECIALTY SCHOOL. Is a school with classes of two or more pupils of which a particular skilled trade or specialty is taught. Examples include but are not limited to beauty and barber schools, secretarial, model, business schools, dance, martial arts, massage schools, etc.

Section 283: TRAILER, AUTOMOBILE. "Automobile trailer" means a vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property.

Section 284: TRAILER PARK, TRAILER COURT AND PUBLIC CAMP. "Trailer park", "trailer court", and "public camp" means any area or tract of land used or designed to accommodate one or more automobile trailers, and including trailers in dead storage.

Section 285: USE. "Use" means the purpose for which land or building is arranged, designed or intended, or for which either is or may be occupied or maintained.

Section 286: YARD. "Yard" means an open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

Section 287: YARD, FRONT. "Front yard" means an area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street, and where such planned street is of the type that will afford legal access to such



lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition.

Section 288: YARD, REAR LINE OF REQUIRED FRONT. "Rear line of the required front yard" means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard and extending across the full width of the lot.

Section 289: YARD, SIDE. "Side yard" means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear line of the main building, or the rear line of the rear-most building if there is more than one, the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.





### ARTICLE 3

#### ESTABLISHMENT OF ZONES, THE BOUNDARIES THERE- OF AND LIMITING THE USES OF LAND THEREON

##### Section 300: NAMES OF ZONES.

R-A	-Residential Agricultural Zone
R-1	-Single Family Residential Zone
S-P	-Scenic Park Zone
R-2	-Two Family Residential Zone
R-3	-Medium Density Residential Zone
PRD	-Planned Residential Development Zone
R-T	-Recreational Tourist Zone
O-P	-Office Professional Zone
C-1	-Neighborhood Commercial Zone
R-C	-Recreation Commercial Zone
P-C	-Park Commercial Zone
C-2	-General Commercial Zone
I-P	-Industrial Park Zone
M-1	-Light Industrial Zone
M-2	-General Industrial Zone
C-M	-Heavy Commercial-Limited Industrial Zone
M	-Manufacturing Zone
PCD	-Planned Community Development Zone
O	-Open Space Zone
F	-Flood Plain Zone
A-2½	-Suburban Agricultural Zone
A-5	-General Agricultural Zone
A-20	-Dairy Agricultural Zone

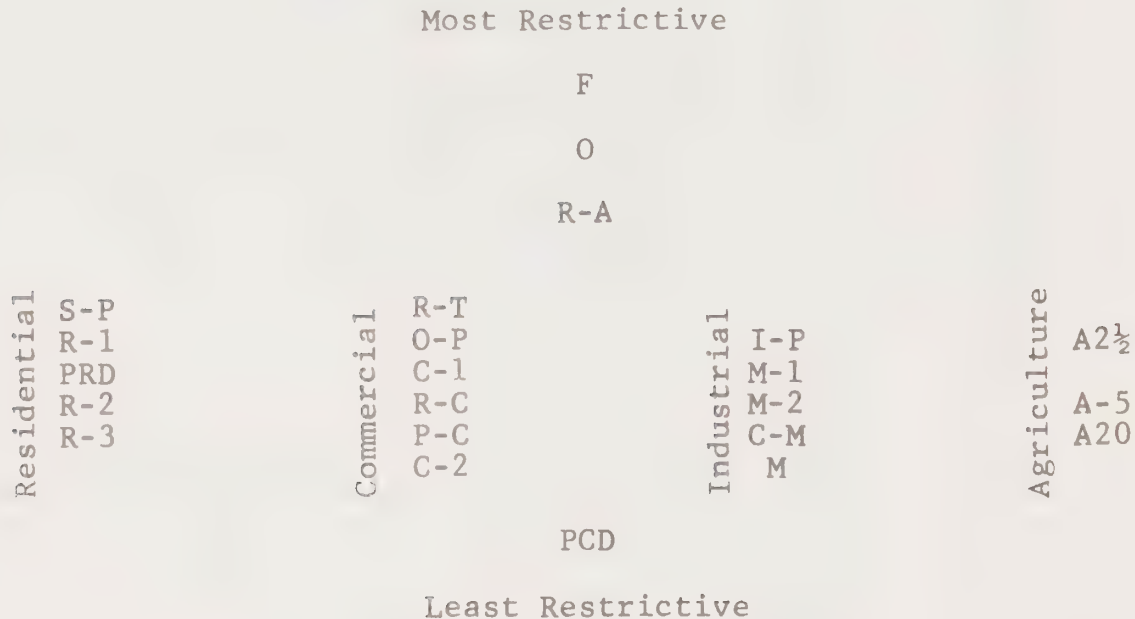
Where areas are shown upon the zoning map enclosed within a heavy dashed line, the area thus shown is intended to approximate the future location for that type of land use indicated by the symbol therein enclosed within a circle, see Sections 1610, 1611, and 1612. Uncircumscribed symbols within such designated areas represent present classification.

Section 301: DEGREES OF RESTRICTIVENESS. To satisfy the requirements of the California Government Code, Section 65860 (Assembly Bill 1301), "restrictiveness" is defined in relation to uses and intensity of development allowed within the various zones.

- (1) Zones which categorically prohibit a wide variety of uses (F, O, R-A) are the most restrictive.
- (2) Zones which allow all uses (PCD) are the least restrictive.
- (3) Zones designed primarily for one particular land use (residential, commercial, industrial or agriculture) are restrictive to the degree which they limit intensity of development within that land use category (example: R-1 is more restrictive than R-3).
- (4) Figure 1 indicates the relative restrictiveness of the various zones:

Figure 1

DEGREES OF RESTRICTIVENESS



Section 302: ESTABLISHMENT OF ZONES BY MAP. The location and boundaries of the various zones are such as are shown and delineated on the zoning map of the City of Oceanside, which map is attached hereto and made a part of this ordinance.

Section 303: DIVISION OF ZONING MAP. The zoning map may, for convenience, be divided into parts and each such part may, for purposes of more readily identifying areas within such zoning map, be subdivided into units and such parts and units may be separately employed for purposes of amending the zoning map or for any official reference to the zoning map.

Section 304: CHANGES IN BOUNDARIES. Changes in the boundaries of the zones shall be made by ordinance adopting an amended zoning map, or part of said map, or unit of a part of said zoning map, which said amended maps, or parts or units of parts, when so adopted, shall be published in the manner prescribed by law and become a part of this ordinance.

Section 305: UNCERTAINTY OF BOUNDARIES. Where uncertainty exists as to the boundaries of any zone shown upon a zoning map or any part of unit thereof, the following shall apply:

(1) Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.



(2) In the case of unsubdivided property, and where a zone boundary divides a lot, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on said zoning map.

(3) Where a public street or alley is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the classification of the property to which it reverts.

(4) Areas of dedicated streets or alleys and railroad rights-of-way, other than such as are designated on the zoning map as being classified in one of the zones provided in this ordinance, shall be deemed to be unclassified and, in the case of streets, permitted to be used only for purposes lawfully allowed and, in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and movement of rolling stock.

Section 306: PREZONING OF PROPERTIES OUTSIDE OF CITY. The City Council recognizes the fact that a city's social and economic life is seldom limited to the area within its corporate limits; that real need exists to consider zoning and physical planning on the basis of the existing and developing area rather than only the areas currently within the city limits; that State Law, through the medium of the Conservation and Planning Act, recognizes the existence of the relationship between a city and the areas adjacent thereto and has incorporated in such State Law a mandate that cities shall pre-plan areas contiguous thereto if, in the opinion of the city, such areas bear a relationship to its planning. In recognition of such policy and purpose and the possibility of annexation of adjoining lands, the city undertakes to establish an expansion of a consistent land use pattern that shall prevail; if and when areas contained within such expanded plans annex to the city. For that purpose precise prezoning maps may be developed and adopted in the same manner prescribed by this ordinance for the classification of property within the city, including procedures for and concurrent consideration of conditional use permits, specific and development plans.

Section 307: ZONING STATUS OF ANNEXING OR CONSOLIDATING PROPERTIES. If a precise prezoning map for an area has been adopted, then such annexing or consolidating property contained therein shall, upon becoming a part of the city, possess the classification indicated on the precise prezoning map, and such portions of the prezoning map governing properties so annexed or consolidated shall become a part of the city's zoning map and thereafter be subject to all of the provisions of this ordinance.

If a precise prezoning map for an area has not been adopted, the Planning Commission shall conduct studies and prepare recommendations setting forth the land use and prezoning patterns which are consistent and compatible with surrounding land uses and zoning patterns as designated on the General Plan and Official

Zoning Map. Prezoning designations shall be processed and adopted by the Planning Commission and City Council in the same manner as amendments pursuant to provisions of Article 20 of the Zoning Ordinance. If the property is to be annexed to the City, such pre-zoning studies shall be conducted prior to or concurrently with the request for annexation and such zoning shall be adopted at the time the annexation is approved.

Section 308: INTERIM ZONING. Without following the procedures otherwise required preliminary to the adoption of a zoning ordinance, the legislative body to protect the public safety, health and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated zoning proposal which the legislative body, Planning Commission or the Planning Department is considering, or studying or intends to study within a reasonable time. Such urgency measure shall require a 4/5ths vote of the legislative body for adoption. Such interim ordinance shall be of no further force and effect four (4) months from the date thereof; provided however, that after notice pursuant to Section 65856 and public hearings, the legislative body may extend such interim ordinance for eight (8) months and subsequently extend such interim ordinance for one year. Any such extension shall also require a 4/5ths vote for adoption. Not more than the two such extensions may be adopted. Alternatively, an interim ordinance may be adopted by a 4/5ths vote following notice pursuant to Section 65856 of the Government Code and public hearing, in which case it shall be of no further force and effect one year from the date of adoption thereof. Provided, however, that after notice pursuant to Section 65856 of the Government Code and public hearing, the legislative body may by a 4/5ths vote extend such interim ordinance for one year. Where any such interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first such ordinance or an extension thereof as herein provided.

Section 309: LIMITATION OF LAND USE. Except as provided in this ordinance no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose except as hereinafter specifically provided and allowed in the same zone in which such building and land is located.

Section 310: AREA ZONING SYMBOLS. Where a number follows the zoning symbol on the zoning map it shall represent the number of thousands of square feet of area required in lieu of the minimum area established in each zone as herein defined. If no number follows the zoning symbol, the areas prescribed in the Article governing such zone shall apply.

Section 311: TERMINATION OF POTENTIAL ZONE CLASSIFICATIONS. The potential classifications shown on the Official Zoning Map after the effective date of adoption of this Ordinance shall remain in effect and permanent zones may be adopted after having been processed in the manner prescribed for amendments to this Ordinance. The Ordinance adopting such permanent zone shall include the concurrent adoption of a development plan which has been filed and approved with the application for a change in classification.



No new potential classifications shall be considered or approved after the effective date of this ordinance.

Section 312: CLASSIFYING OF UNCLASSIFIED PROPERTY. Any property, which for any reason is not designated on the zoning map as being classified in any of the zones established hereby, shall be deemed to be classified R-A.

Section 313: CONSISTENCY OF ZONES WITH THE GENERAL PLAN. To satisfy the requirements of the California Government Code, Section 65860 (Assembly Bill 1301), the following definitions and matrix shall be used to determine the consistency of any given zone with the various land uses as indicated in the current Land Use Element of the General Plan.

(1) Maximum Density. In residential areas zoned for a particular type of development (single family homes, apartments, Planned Residential Developments, duplexes, etc.) where the zone allows a greater density than specified on the General Plan, the maximum density allowed shall be as specified on the General Plan unless further restricted by a Development Plan.

(2) Cluster Development.

(a) Residential cluster development is defined as a clustering or grouping of dwelling units for the protection of environmentally fragile areas as specified in the General Plan Land Use and Open Space Elements. Cluster grouping can occur around cul-de-sacs, in canyons, or on a mesa (preserving slopes) or along a single side of the street (terracing). The intent of the General Plan was to minimize grading, preserve open space and minimize costly extension of City services.

(b) As indicated on the matrix, several zones are consistent with clustering by minimum lot size or definition. Other zones will be consistent only if development plans indicate cluster development as defined above.

(3) Holding Zones. The R-A zone by definition of purpose is the standard holding zone which can be applied throughout the City to provide a compatible transition between agricultural uses and future urban uses. In outlying areas of the City not adjacent to existing urban development, any of the general agricultural zones may also serve as holding zones to preclude premature urban zoning.

(4) Zoning Consistency Matrix. To determine if a zone is consistent with a particular land use, find the zone along the left side of the chart, and the land use along the top of the chart. Read down and across to the intersection and interpret the appropriate symbol. Only those zones which are indicated as "consistent" will be allowed within any particular land use category.

Zones	General Plan Land Uses													Remarks
	Very Low Res. 0-3.5	Low Res. 0-7	Medium Res. 0-15	High Res. 15+	Cluster	General Comm.	Professional	Mining	General Ind.	Light Ind.	General Open Sp.	Agriculture	Institutional	
F	X	X	X	X	X	X	X	*	X	X	X	X	X	Applied where necessary for public safety
O	X	X	X	X	X	X	X	*	X	X	X	X	X	Allows for open space preservation where desirable
RA	X	X	X	X	X	X	X	*	X	X	X	X	*	Holding zone
A2½	3	3	3	3	3	3	3	*	3	3	3	X	*	Can serve as holding zones: See Note 3
A5	3	3	3	3	3	3	3	*	3	3	3	X	*	
A20	3	3	3	3	3	3	3	*	3	3	3	X	*	
SP	X	1*						*					*	
R1	1	X	X	X	2			*					*	
PRD	1	X	X	X	X			*					*	
R2	1	1	X	X	2			*					*	
R3	1	1	1	X	2			*					*	
RT						X		*					*	Special tourist
RC						X		*					*	oriented uses
PC						X	X	*					*	
OP				*		X	X	*					*	
C1						X		*					*	
C2				*		X		*					*	
IP								*	X	X				
M1								*	X	X				
M2								*	X					
CM								*	X	X				
M								*	X					
PCD	1	1	1	1	2	X	X	*	X	X	X	X	*	Allows all land uses - master plan required

- No mark - Inconsistent (zone not allowed in that land use category)  
X - Consistent by definition of zone restrictiveness (Section 301)  
\* - Consistent with CUP or special approval (Article 15)  
1 - Subject to density limit as shown on General Plan  
2 - Development plan must show cluster development  
3 - Consistent when serving as holding zones in outlying areas



## ARTICLE 4

### R-A - RESIDENTIAL AGRICULTURAL ZONE (R-A ZONE)

Section 400: PURPOSE. The purpose of the Residential Agricultural Zone is to serve as a "holding zone" which will provide a transition between present agricultural activities and future land uses as shown on the General Plan. It is further intended that prior to development, any land in the R-A Zone with a lot size of less than one (1) acre shall be rezoned to conform with the General Plan and said land shall not be subdivided for residential, commercial or industrial purposes until such reclassification is effective.

Section 401: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification of Residential Agricultural Zones:

(a) General Plan - Compliance with the General Plan shall be established.

(b) Public Services - The existing public services such as schools, police, and fire protection shall be available or adequate alternatives shall be provided to insure availability of those services.

(c) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve any residential-agricultural developments.

Section 402: PERMITTED USES. In a R-A zone the following uses only are permitted as hereinafter specifically provided and allowed, subject to the provisions of Article 27 governing off-street parking requirements.

(1) Single family dwellings.

(2) Accessory buildings and structures, including private garages, to accommodate not more than four cars; provided additional garages or implement shelters may be erected, maintained and used on sites of ten acres or more, and provided that such structures shall not occupy any required yard space.

(3) Greenhouses, fruit trees, nut trees, vines and other horticultural stock.

(4) Agricultural crops.

(5) Stands for the display and sale of agricultural products raised on the premises.

(6) The following poultry and animals under the following conditions:

(a) Poultry or rabbits for domestic or commercial uses, provided that all such poultry and rabbits shall be confined at all times within an enclosure.

(b) Horses, and the grazing of bovine animals (excluding dairies) provided that on sites containing four acres or less such domestic animals shall not exceed a number equal to two (2) horses or two (2) bovine animals per acre of ground devoted to feed for same (excluding feed lots).

(c) The keeping of all domestic animals provided for in this article shall conform to all other provisions of law governing same. No pen, coop, stable or barn, shall be kept or maintained within forty (40) feet of any building used for human habitation or any portion of a required yard space located on adjoining property, or within forty (40) feet of any street or public property; nor may any fowl or animal be kept or maintained closer than forty (40) feet to any structure used for human habitation.

\* (7) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 403: DENSITY - LOT AREA PER DWELLING UNIT.

All dwelling units in the R-A Zone shall have a minimum lot area of not less than one (1) acre, unless otherwise shown on the zoning map.

Section 404: FRONT YARD. See Section 1701.

Section 405: SIDE YARDS. See Section 1702.

Section 406: REAR YARD. See Section 1703.

Section 407: LOT SIZE. See Section 1704.

Section 408: LOT WIDTH. See Section 1706.

Section 409: MAXIMUM LOT COVERAGE. See Section 1707.

Section 410: LOT DEPTH. See Section 1708.

Section 411: HEIGHT. See Section 1709.

Section 412: PLACEMENT OF BUILDINGS. See Section 1710.

## ARTICLE 5

### R-1 - SINGLE FAMILY RESIDENTIAL ZONE (R-1 ZONE)

Section 500: PURPOSE. The purpose of a Single Family Residential Zone is to classify and set standards for the orderly development of single family residences in a manner that will be compatible with surrounding properties and the protection of their values.

Section 501: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-1 Zone:

(a) General Plan - Compliance with the General Plan shall be established.

(b) Location - Single family residential areas shall be located with primary access on a public street.

(c) Need - A demonstrated public need shall be established.

(d) Public Services - The existing public services such as schools, police and fire protection shall be available or adequate alternatives shall be provided to insure availability of those services upon occupancy.

(e) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve single family residential developments.

Section 502: PERMITTED USES. In a R-1 zone the following uses only are permitted, and as hereinafter specifically provided and allowed by this Article subject to the provisions of Article 27 governing off-street parking requirements.

(1) One-family dwellings.

(2) Accessory buildings and structures, including private garages to accommodate not more than four cars.

(3) Fruit trees, nut trees, vines, and other horticultural stock.

(4) Agricultural crops.

(5) The renting of not more than two (2) rooms to not more than four (4) persons, or providing of table board to not more than four (4) boarders, or both, but not to exceed a total of four (4) in any combination thereof.

(6) Horses under the following conditions:

(a) No horse shall be maintained on a lot or parcel containing less than ten thousand square feet of area.

(b) Not more than two horses may be maintained on a lot or parcel containing less than one and one-half acres nor more



than four horses on lots or parcels containing less than four acres but more than one and one-half acres. Lots containing more than four acres in area shall be permitted two horses per acre.

(c) No stall or barn shall be kept or maintained within forty feet or any window or door of any building used for human habitation nor within forty feet of any portion of a required yard space on adjoining property if such property is devoted to a use other than agriculture.

(7) A two-family dwelling when the lot upon which it is located has a side line abutting a lot or lots zoned R-3, O-P, R-T, C-1, C-2, C-M, M or F but in no case shall the property used for such two-family dwelling consist of more than one lot nor be more than ninety feet in width, whichever is the least.

(8) Maintaining of a mail and telephone address for commercial and business licensing purposes. This shall not be construed as allowing the active conduct of a business or trade within the residential zone.

\* (9) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

\*\* (10) Zero lot line development, including "twin homes" and patio homes only in R-1-6,000 zones, subject to the development standards contained in Section 513 and the approval of a development plan in accordance with Article 16.

Section 503: DENSITY - LOT AREA PER DWELLING UNIT. All dwelling units in the R-1 Zone shall have a minimum lot area per dwelling unit of not less than 6,000 square feet.

Section 504: FRONT YARD. See Section 1701.

Section 505: SIDE YARDS. See Section 1702.

Section 506: REAR YARD. See Section 1703.

Section 507: LOT SIZE. See Section 1704.

Section 508: LOT WIDTH. See Section 1706.

Section 509: MAXIMUM LOT COVERAGE. See Section 1707.

Section 510: LOT DEPTH. See Section 1708.

Section 511: HEIGHT. See Section 1709.

Section 512: PLACEMENT OF BUILDINGS. See Section 1710.

\*\* Section 513: STANDARDS FOR ZERO LOT DEVELOPMENT (Including Patio and "Twin" homes).

The purpose of this section is to provide a housing alternative to the conventional single family home and condominium project for retirement-oriented communities. Provisions of small lot units

throughout the City in areas already containing the full range of urban services will provide this alternative at an affordable price and with the necessary outdoor living space for this segment of the housing market.

(1) Front Yard: No front yard setback shall be less than ten (10) feet. In all cases where the garage is designed so that the entrance is straight in from the street, the minimum setback for the garage is twenty feet.

(2) Side Yard: No side yard requirements shall be required provided that at least ten feet are left between structures. On corner lots the side street setback shall be at least ten feet.

(3) Rear Yard: A rear yard setback of at least fifteen feet shall be provided except that an open patio awning will be permitted to be constructed to within ten feet of the rear property line.

(4) Lot Size: No lot shall contain less than 3,500 square feet. On hilly terrain the area may be reduced to 3,200 square feet, however, no lot shall contain less than 3,000 square feet of level pad area.

(5) Lot Width: No lot shall contain less than forty feet of lot frontage. On cul-de-sac lots, the forty feet width must be achieved at a distance within the front yard setback.

(6) Lot Coverage: The maximum lot coverage on any lot shall not exceed 50 percent.

(7) Lot Depth: The minimum lot depth shall not be less than eighty (80) feet.

(8) Density: The maximum density permitted shall not exceed the density as indicated on the Land Use Element of the General Plan.

(9) Location: Projects established under this section shall generally be located in areas already experiencing urban development. The location must be served by the full range of public and urban facilities (transit, police and fire protection, water and sewer facilities, shopping, etc.). Sites located in undeveloped areas will be discouraged. Such projects located in the immediate area of other such projects developed under this section will also be discouraged in order to maintain a reasonable intensity of development and alternate housing choices in any given area.

(10) Off-Street Parking Requirements: A one-car garage with a minimum inside area of 240 square feet.

(11) Elevations: All developments using this section shall provide elevations of substantial variations to include a mixture of roof lines and exterior material.

(12) Park Land Development: Each development shall be required to provide and improve park land or pay in-lieu fees to the City at 1.25 times the standards established in the Subdivision Ordinance. The option of paying in-lieu fees shall be solely at the discretion of the Planning Commission. All units built under this section shall be defined as single family units for the purpose of computing

this requirement. Improvement of the park land shall be approved by the Parks and Recreation Commission. Complete landscaping and irrigation will be required. Minimum improvements must be no less in value than the corresponding in-lieu fees. An estimate of costs must be submitted with the development plan.

(13) Park Land Maintenance. Park land shall either be owned and maintained by a homeowners' association or dedicated and maintained by the City through a park maintenance district. Such district must be formed prior to the sale of any units in the development.

(14) Conditions, Covenants and Restrictions: Any project developed under this section shall be required to submit C.C. & R's to the Planning Commission for review and the City Attorney for approval. Such C.C. & R's shall address exterior maintenance, protection of views, construction and material of accessory structures, age limits of occupants, number of occupants per building and other matters as deemed necessary by the developer and/or Planning Commission. Provision shall be made for a homeowners' association to enforce such C.C. & R's.

(15) Procedures: Subdividers choosing to use this section shall be required to file a development plan in accordance with Section 1611 of the Zoning Ordinance.

The development plan herein acquired shall be submitted and processed in accordance with provisions of Article 20 of the Zoning Ordinance. The approval of such development plan does not exempt a development from any provision of the Subdivision Ordinance of the City of Oceanside, nor does such a plan become a substitute for either a tentative or final map of a subdivision.

The provisions of this Section are to offer an alternate procedure by which zoning standards, other than usage, may be made applicable to new subdivisions. The acceptance of a plan following the procedures and standards incorporated herein shall be discretionary with the Planning Commission.



## ARTICLE 6

### R-2 - TWO FAMILY RESIDENTIAL ZONE (R-2 ZONE)

Section 600: PURPOSE. The purpose of the Two Family Residential Zone is to classify and set standards for the orderly development of two family residential subdivisions in a manner that will be compatible with surrounding properties and the protection of their values. It is further intended to provide a transition between low density and high density residential developments and/or non-residential developments.

Section 601: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-2 Zone:

(a) General Plan - Compliance with the General Plan shall be established.

(b) Location - Two family residential areas shall be located with primary access to a residential collector street as shown on the Major Street Plan having a pavement width of not less than 40 feet.

(c) Need - A demonstrated public need shall be established.

(d) Public Services - The existing public services such as schools, police and fire protection must be available or adequate alternatives shall be provided to insure availability of these services to residents upon occupancy.

(e) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve two family residential developments.

Section 602: PERMITTED USES. In the R-2 Zone the following uses only are permitted and as hereinafter specifically provided and allowed by this Article, subject to the provisions of Article 27 governing off-street parking requirements.

(1) Any use permitted in the R-1 single-family zone.

(2) Accessory buildings and structures, including private garages to accommodate not less than two cars per dwelling unit.

(3) Two-family dwellings, provided if a one-family dwelling existed on such lot on the effective date of this ordinance a second one-family dwelling may be erected, provided also that on corner lots two single-family homes may be erected if one house faces the street upon which such lot fronts and the other house faces upon the side street.

(4) Day nurseries where day care is provided for not more than nine children when there is provided on the lot or adjacent to the premises a play lot not less than six hundred square feet in area.

(5) A three-family or a four-family dwelling when the side line of the lot abuts lots zoned for R-P, R-T, C-1, C-2, C-M, M or F, but in no case shall the property used for such three or four-family dwelling consist of more than one lot, or be more than ninety feet in width, whichever is the least.

\* (6) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 603: DENSITY - LOT AREA PER DWELLING UNIT. All dwelling units in the R-2 zone shall have a minimum lot area of 2,500 square feet per unit.

Section 604: FRONT YARD. See Section 1701.

Section 605: SIDE YARD. See Section 1702.

Section 606: REAR YARD. See Section 1703.

Section 607: LOT SIZE: See Section 1704.

Section 608: LOT WIDTH. See Section 1706.

Section 609: MAXIMUM LOT COVERAGE. See Section 1707.

Section 610: LOT DEPTH. See Section 1708.

Section 611: HEIGHT. See Section 1709.

Section 612: PLACEMENT OF BUILDINGS. See Section 1710.

## ARTICLE 7

### R-3 - MEDIUM DENSITY RESIDENTIAL ZONE (R-3 ZONE)

Section 700: PURPOSE. The purpose of the Medium Density Residential (R-3) Zone is to classify and set standards for the orderly development of multiple family residences in a manner that will be compatible with surrounding properties and the protection of their values. It is intended that this zone be used adjacent to major or secondary streets, shopping areas, or other intense uses.

Section 701: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to Medium Density Residential Zone (R-3).

(a) General Plan - Compliance with the General Plan shall be established.

(b) Location - Medium density residential areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan having a pavement width of not less than 56 feet unless specifically exempted by the Planning Commission and/or City Council.

(c) Need - A demonstrated public need shall be established.

(d) Public Services - The existing public services such as schools, police and fire protection must be available or adequate alternatives shall be provided to insure availability of these services to residents upon occupancy.

(e) Utilities - The existing utility systems (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve medium density residential developments.

(f) A development plan shall be submitted concurrently with an application for reclassification to medium density residential zoning pursuant to provisions of Article 16.

Section 702: PERMITTED USES. In the R-3 Zone only the following uses are permitted and as hereinafter specifically provided and allowed by this Article, subject to the off-street parking provisions of Article 27 governing these requirements.

(1) Any use permitted in the R-2 Zone.

(2) Child care nurseries when there is provided on the lot, or adjacent to the premises, a single play lot not less than six hundred square feet in area plus an additional seventy-five square feet of area for each child in excess of nine. Such play lot shall not be located on any required front or side yard.



- (3) Group houses
- \* (4) Apartment projects up to 19 units
- (5) Rest homes
- (6) A public parking area when developed under appropriate provisions of Article 27 where the lot on which it is located abuts upon lots zoned for commercial or industrial purposes.
- \* (7) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 703: DENSITY - LOT AREA PER DWELLING UNIT. The minimum lot area per dwelling unit in the R-3 zone shall be as follows:

- (1) For those lots located on the west side of Interstate 5, the minimum lot area per dwelling unit shall be 1,000 square feet.
- (2) For those lots located on the east side of Interstate 5, the minimum lot area per dwelling unit shall be no less than 1,500 square feet.

Section 704: FRONT YARD. See Section 1701.

Section 705: SIDE YARDS. See Section 1702.

Section 706: REAR YARD. See Section 1703.

Section 707: AREA. See Section 1704.

Section 708: LOT WIDTH. See Section 1706.

Section 709: PERMISSIBLE LOT COVERAGE. See Section 1707.

Section 710: LOT DEPTH. See Section 1708.

Section 711: HEIGHT. See Section 1709.

Section 712: PLACEMENT OF BUILDINGS. See Section 1710.

Section 713: LANDSCAPING. See Section 1731.

Section 714: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.

Section 715: SIGNS. The following signs, subject to the following conditions, will be allowed:

- (1) One name plate per unit, not exceeding one (1) square foot in area, containing the name and address of the occupant of the premises.
- (2) One interior lighted identifying sign attached to a main building of no more than five (5) square feet per dwelling unit, up to a maximum of forty (40) square feet, at a major entrance which faces a street.
- (3) One (1) interior lighted sign attached to a main building, not to exceed fifteen (15) square feet of surface area, pertaining only to the sale, lease, or rental of the particular building, property, or premises upon which displayed.

(4) One (1) unlighted double-faced or two unlighted single-face ground signs, not to exceed sixty (60) square feet per face, may be allowed on the premises advertising the sale of five (5) or more new dwelling units or lots under common ownership either adjacent or within close proximity to each other. Such signs may remain for a period not to exceed one (1) year or until said properties have been sold, whichever first occurs.

(5) All attached signs shall be flat against the building or structure and shall not extend above the top of the wall; must be constructed of metal, wood or comparable weatherproof material; and shall be enclosed and bird and vermin proof.





## ARTICLE 8

### O-P - Office Professional Zone (O-P Zone)

Section 800: PURPOSE. The purpose of the Office-Professional (O-P) Zone is to classify and set standards for those business, office, administrative, or professional land uses which by their nature are of relative low intensity and, therefore, when properly located and designed are compatible with adjacent residential zoning and the development therein.

Section 801: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the O-P Zone.

- a. General Plan. Compliance with the General Plan shall be established.
- b. Location. Office-Professional uses shall be located with primary access to an arterial, major or collector street as shown on the Major Street Plan.
- c. Need. A demonstrated public need shall be established.
- d. Utilities. The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve office-professional developments.
- e. Development Plans. Before development of any O-P zoned land, a development plan shall be filed with and approved by the Planning Commission pursuant to provisions of Article 16, Section 1611 governing Development Plans.

Section 802: PERMITTED USES. In an O-P Zone only the following uses are permitted as hereinafter specifically provided and allowed, subject to the provisions of Article 27 governing off-street parking requirements.

- a. The following professional services:
  - (a) Accountants, attorneys, consultants.
  - (b) Brokers, insurance agencies.
  - (c) Doctors, oculists, optometrists, chiropractors, and others practicing the healing arts for human beings.
  - (d) Engineers, architects, planners and real estate brokers.
  - (e) Banks, credit bureaus and collection agencies.
  - (f) Pharmacies (drug stores) and coffee shops as an appurtenant use to professional office buildings provided that such uses are located inside the main office building and further provided that such uses do not occupy more than 50 percent of the gross floor area of the floor on which they are located.
  - (g) Institutions of a philanthropic or eleemosynary nature, except correctional and mental.

- (h) A public parking area when developed under appropriate provisions of Article 27 where the lots on which it is located abuts upon lots zoned for commercial or industrial purposes.
- (i) Rest homes.
- (j) Child care nurseries when there is provided on the lot, or adjacent to the premises, a single play lot not less than six hundred square feet in area plus an additional seventy five (75) square feet of area for each child in excess of nine. Such play lot shall not be located on any required front or side yard.
- \* (k) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 803: FRONT YARD. See Section 1701 (c).

Section 804: SIDE YARDS. See Section 1702 (c) (1).

Section 805: REAR YARDS. See Section 1703.

Section 806: LOT SIZE. See Section 1704 (c).

Section 807: LOT WIDTH. See Section 1706 (f).

Section 808: PERMISSIBLE LOT COVERAGE. See Section 1707 (c).

Section 809: LOT DEPTH. See Section 1708.

Section 810: HEIGHT. See Section 1709.

Section 811: PLACEMENT OF BUILDINGS. See Section 1710.

Section 812: LANDSCAPING. See Section 1731.

Section 813: LANDSCAPING MAINTENANCE STANDARDS. See Sec. 1732.

Section 814: WALLS. See Section 1721 (e).

Section 815: SIGNS.

(1) Two square feet of advertising sign up to a maximum of 80 square feet will be allowed on the front of the building for

every lineal foot of building frontage or the same sign footage encompassed within a ground sign of the same architectural style of the building, no higher than 6 feet from ground level and placed within a lawn or totally landscaped area.

(2) One square foot of identifying sign up to a maximum of 40 square feet will be allowed on the side and/or rear of a building for every lineal foot of building frontage when said side and/or rear is oriented to or faces a public parking area or street or in the case of side yards or a corner lot, the same sign footage encompassed within a ground sign of the same architectural style of the building, no higher than 6 feet from ground level and placed within a lawn or totally landscaped area.

(3) All attached signs must be flat against the building or structure and shall not extend above the top of the wall; must be constructed of metal, wood, or comparable weatherproof material; and must be enclosed and bird and vermin proof, interior signs excepted.

(4) One double-faced or single face detached advertising or identifying sign, not to exceed the height of the building or 30 feet from ground level, whichever is less, will be allowed only when the building location or configuration or topographical variation or other like circumstances preclude the effective use of a sign on the building but must have the explicit approval as to necessity, size, and location of either the Planning Director, Planning Commission, or City Council. The square footage of each face utilized shall in no case exceed the square footage allowed on the front of the building and shall be subtracted from the allowable square footage on the building itself. All detached signs shall be placed within a permanently landscaped area of not less than 24 square feet surrounded by a concrete or comparable curb of no less than 6 inches.

(5) One name plate, not exceeding 2 square feet in area, containing the name and address of an occupant will be allowed at every exterior entrance to a building.

(6) One sign attached to the main building, not to exceed 24 square feet of surface area, pertaining only to the sale, lease, or rental of the particular building, property, or premises upon which displayed.

(7) No sign may encroach upon or overhang adjacent property or public right of way unless an encroachment permit has been approved by the Director of Building and Housing.

(8) Painted signs on buildings or either surface of windows or attached thereto are prohibited.

(9) All sign illumination will be from the interior and no sign visible from a public street shall be constructed or maintained to flash, rotate, or in any way simulate motion.

(10) The square footage of a sign made up of letters, words, or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Only those portions of the



construction elements that are an integral part of the sign itself shall be considered in the allocation of square footage allowed.

(11) All signs shall be structurally safe, shall be painted (nontoxic) or of rust inhibitive material, and shall be maintained in good condition in the opinion of the Planning Director, Director of Building and Housing, Planning Commission, or City Council. It shall further be the responsibility of the property owner of the land and/or improvements to remove any sign or signs on premises abandoned for a period of over 60 days.

(12) One temporary double-faced or two single-faced signs, not to exceed 75 square feet per face, denoting the proposed or future construction on a particular site will be allowed for a period not to exceed six months prior to construction, with the right of renewal for an additional six months. Said sign may indicate the particulars of the proposed construction, the company, firm, individual instrumental in its creation; the architect, engineer, contractor; and rental, sale or lease information. If construction commences, said sign will be allowed until 7 days after completion of the project, which will be determined from the date of the occupancy permit.

Section 816: ZONE TRANSFER. Notwithstanding any other provisions of this Ordinance, any property included in the Residential-Professional Zone (R-P) are hereby transferred to and included in the Office-Professional (O-P) Zone created and provided for in this Article.

## ARTICLE 9.1

### R - T RECREATIONAL-TOURIST ZONE (R-T ZONE)

Section 901.10: PERMITTED USES. In the R-T Zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Article 16 governing off-street parking requirements.

(1) Any use permitted in the R-3 (Multiple-Residential) zone.

(2) Dining rooms, coffee shops, tea rooms or restaurants as appurtenant uses to hotels and motels, subject to the following conditions.

(a) DESIGN. Such facilities shall have their entrance from the lobby or court yard of the hotel or motel, and shall be apparent by design to be primarily for the use of the occupants of the hotel or motel. There shall be no outside counters or serving windows.

(b) AREA. The total dining area, including food preparation centers, shall not exceed forty (40) square feet for each room or unit, contained in the hotel or motel.

(c) USE. Facilities permitted under this section shall not include bars, cocktail lounge, or establishments for the sale and consumption of alcoholic beverages.

(d) SIGNS. Signs advertising such facilities shall be displayed only with signs advertising the primary use, and shall conform to all area and placement provisions of the sign ordinance of the City of Oceanside. There shall be no outside display advertising specific products by brand name sold on the premises.

\* (3) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 901.11: HEIGHT. The City Council may, after processing in the manner prescribed for amendments to this ordinance, establish districts within the R-T zone limiting the height of buildings when it is found that the public necessity, convenience, and general welfare require such limitations. Such districts shall be defined on the zoning maps and become a part thereof.

Section 901.12: FRONT YARD. Every lot in the R-T Zone shall have a front yard of not less than ten feet, except that on key lots and lots which side upon commercially or industrially zoned property the depth of the required front yard need not exceed five feet.

Section 901.13: SIDE YARDS. In the R-T zone every lot shall have side yards as follows:

(1) Interior lots shall have a side yard on each side of the lot of not less than three feet in width.

(2) Corner lots and reversed corner lots shall have the following side yards:

(a) On the side lot line which adjoins another lot, the side yard shall be the same as that required on an interior lot.

(b) On the side street side the width of the required side yard shall be five feet.

Section 901.14 PLACEMENT OF BUILDINGS. Placement of buildings on any lot shall conform to the following:

(1) INTERIOR LOTS.

(a) No building shall occupy any portion of a required yard.

(b) Any building, any portion of which is used for human habitation shall observe a distance from any side lot line the equivalent of the required side yard on such lot and from the rear property line the equivalent of twice the required side yard on such lot.

(c) The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be equal to twice the required side yard on the same lot.

(d) A non-dwelling accessory building may build to the rear lot line and to the side lines to the rear of the required side yard, provided if the lot rears upon an alley such accessory building shall maintain a distance of not less than five feet from the rear lot line and may build to only one side lot line.

(e) Where a lot rears upon an alley, an attached accessory building designed for the shelter of vehicles, and not used for human habitation, may be built to one side lot line only within the rear 40% of the lot, and shall maintain a distance of not less than five feet from the rear lot line.

(2) CORNER LOTS AND REVERSED LOTS.

(a) No building shall occupy any portion of a required yard.

(b) The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be equal to twice the required interior side yard on the same lot.

(c) Any building, any portion of which is used for human habitation shall observe a distance from the rear property line the equivalent of twice the required interior side yard on such lot.

(d) On corner lots an accessory building may build to the rear lot line and to the interior side lot line when located to the rear of the required side yard, provided if the lot rears upon an alley such accessory building shall maintain a distance not less than five feet from the rear line of such lot.

(e) On a reversed corner lot an accessory building may build to the interior side lot line when located to the rear of the required side yard but no building shall be erected closer to the property line of any abutting lot to the rear than the equivalent of the required interior side yard on such reversed corner lot, and further provided that if such reversed corner lot rears upon an alley an accessory building shall maintain a distance of five feet from the rear lot line.

Section 901.15 AREA. The minimum required area of a lot in the R-T Zone shall be not less than four thousand square feet, unless otherwise shown on the zoning map.



Section 901.16 LOT AREA PER DWELLING UNIT. The minimum lot area per dwelling unit in the R-T Zone shall be not less than eight hundred square feet provided that for each room used for sleeping purposes and not contained in a dwelling unit as defined in this ordinance, not less than four hundred fifty square feet of lot area shall be required.

Section 901.17 LOT WIDTH. Every lot created after the effective date of this ordinance shall maintain a width not less than forty feet at the rear line of the required front yard.

Section 901.18 PERMISSIBLE LOT COVERAGE. All building, including accessory buildings and structures, shall not cover more than seventy-five percent of the area of a lot.

Section 901.19 LIMITATIONS ON PERMITTED USE. When any use other than residential is to be placed on a lot abutting property in the R-1 zone, there shall be erected and maintained along such abutting property line a block, stone, brick, stucco, or concrete wall at least six feet in height, except in a required front yard setback, where the height shall be 42 inches. This provision shall be met before a certificate of occupancy permit may be issued for such use by the Building Official. For purposes of this section only, hotels and motels shall not be considered as residential uses.

## ARTICLE 9

### R - C RECREATION-COMMERCIAL ZONE (R-C ZONE)

Section 900: PURPOSE. The primary purpose of the Recreation-Commercial Zone is to provide recreation-oriented residential and commercial activities, conveniently located near recreational and scenic areas with immediate and easy access to freeways and major thoroughfares.

This zone, through its various development standards, is intended to be compatible with surrounding residential developments and encourages high-quality development to ensure continued tourist support.

Section 901: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the R-C Zone.

(a) General Plan - Compliance with the General Plan shall be established.

(b) Recreation-commercial areas shall be so located to have easy access to or from freeways and major arterials.

(c) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve Recreation-Commercial developments and shall be underground.

(d) Development Plans - Concurrent with an application for reclassification to the R-C Recreation-Commercial Zone, a Development Plan shall be filed with and approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611 governing Development Plans.

Section 902: PERMITTED USES. In the R-C zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Article 27 governing off-street parking requirements.

(1) Two-family and multiple-family residences under the density and development standards of the most restrictive zone which first allows such use.

(2) Hotels, motor hotels, and motels.

(3) Publicly owned recreational facilities such as beaches, boat houses, boat rides, boat landing and docking facilities, playgrounds, surf fishing and community buildings.

(4) The following commercial activities subject to limitations on permitted uses as contained hereinafter.

(a) Barber shops and beauty shops.

(b) Cocktail lounges, and on-sale liquor facilities as accessory uses in restaurants or hotels.

- (c) Clothing stores.
  - \* (d) Delicatessens, and grocery stores (except convenience food stores).
  - (e) Dry goods, notions and souvenir stores.
  - (f) Florist shops.
  - (g) Jewelry stores.
  - (h) Millinery shops.
  - \* (i) Laundry agencies, or shops with coin-operated washers, dryers, or dry cleaning machines (except self-service laundromat, non-attendant).
  - (j) Restaurants, tea rooms, or cafes.
  - (k) Sporting goods shops.
  - (l) Travel agencies.
  - (m) Professional offices.
  - (n) Pharmacies and drug stores.
  - (o) Camera shops, photographic studios.
- (5) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 903: DENSITY - LOT AREA PER DWELLING UNIT. The minimum lot area per dwelling unit in the R-C zone shall be as follows:

(1) For those lots located on the west side of Interstate 5 the minimum lot area per dwelling unit shall be no less than 1,000 square feet.

(2) For those lots located on the east side of Interstate 5 the minimum lot area per dwelling unit shall be no less than 1,500 square feet.

Section 904: FRONT YARD. See Section 1701 (e).

Section 905: SIDE YARDS. See Section 1702 (f).

Section 906: REAR YARD. See Section 1703 (d).

Section 907: AREA - LOT SIZE. See Section 1704 (d).

Section 908: LOT WIDTH. See Section 1706 (g).

Section 909: LOT DEPTH. See Section 1708.

Section 910: HEIGHT. See Section 1709.

Section 911: PLACEMENT OF BUILDINGS. See Section 1710.

Section 912: LANDSCAPING. See Section 1731.

Section 913: LANDSCAPING MAINTENANCE STANDARDS. See Section 1732.



Section 914: LIMITATIONS ON PERMITTED USES. See Section 1010.

Section 915: SIGNS. The following signs shall be permitted:

(1) All signs permitted in Zone R-3.

(2) No free-standing sign shall exceed a height of 35 feet.

(3) Two square feet of advertising sign up to a maximum of 300 square feet will be allowed on the front of the building for every lineal foot of building frontage. No such sign need be less than 40 square feet regardless of the lineal building frontage.

(4) One square foot of identifying sign, up to a maximum of 150 square feet, will be allowed on the side or rear of a building for every lineal foot of building frontage when said side or rear is oriented to or faces a public parking area or street.

(5) One double-faced or single-faced detached advertising or identifying sign may be allowed when the building location or configuration or topographical variation or other like circumstances preclude the effective use of a sign on the building but must have the explicit approval of the Planning Commission or City Council as to necessity, size and location as shown on a development plan or variance application. The square footage of each face, however, shall in no case exceed that amount allowed on the front of the building and shall be subtracted therefrom. All detached signs shall be placed within a permanently landscaped area of no less than 24 square feet surrounded by a concrete curb of no less than six inches high.

(6) One sign attached to the main building, not to exceed 32 square feet of surface area, pertaining only to the sale, lease, or rental of the particular building, property, or premises upon which displayed. Unimproved property will be allowed one detached sign of the same size no higher than 10 feet from ground surface.

(7) One sign bearing the name of the occupants of the building and conforming to a size of not more than 5 feet in horizontal length and 1 foot in vertical height shall be permitted in addition to the other signs allowed herein when such signs are placed beneath a canopy or roof overhang, with a minimum clearance of 8 feet from the sidewalk.

(8) A detached sign, no higher than 35 feet from ground surface, shall be permitted to identify a shopping center or department store. The total area of sign displayed shall not be larger than 100 square feet per face or 200 square feet total when the gross square feet of floor space of the shopping center or department store is between 30,000 square feet and 100,000 square feet; shall not be larger than 200 square feet per face or 400 square feet total when the gross square feet of floor space of the shopping center or department store is between 100,000 square feet and 250,000 square feet; shall not be larger than 300 square feet per face or 600 square feet total when the gross square feet of floor area of the shopping center or department store is larger than 250,000 square feet. The general location and dimensions of the identification sign shall be approved by the Planning Director unless fixed by a specific plan or by the Planning Commission or City Council.

(9) One temporary double-faced or two single-faced signs, no higher than 10 feet from ground surface, not to exceed 75 square feet per face, denoting the proposed or future construction on a particular site will be allowed for a period not to exceed six months prior to construction, with the right of renewal for an additional six months. Said sign may indicate the particulars of the proposed construction; the company, firm, or individual, instrumental in its creation; the architect, engineer, contractor; and rental, sale, or lease information. If construction commences, said sign or one similar thereto will be allowed until seven days after completion of the project, which will be determined from the date of the occupancy.





## ARTICLE 10

### C-1 - NEIGHBORHOOD COMMERCIAL ZONE (C-1 ZONE)

Section 100: PURPOSE. The purpose of the Neighborhood Commercial (C-1) Zone is to classify and set standards for those retail and service commercial uses which by their nature are of moderate intensity; are necessary in order to provide convenient daily shopping facilities to residential home and apartment dwellers; and are generally adjacent to or within close proximity to residential zoning or development and, therefore, require extraordinary physical treatment in order to guarantee compatibility with and protection to surrounding properties and their values.

Section 1001: CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the Neighborhood Commercial zone:

(a) General Plan - Compliance with the General Plan shall be established.

(b) Location - Neighborhood commercial centers should serve several neighborhoods and be located with primary access to a major street, preferably at the intersection of a major and collector street or two major streets. Land so utilized should be topographically suited to such use without major earth movement, resulting in unsafe or unsightly cut or fill slopes.

(c) Need - A demonstrated public need shall be established within the general area.

(d) Site area - A minimum of two acres based upon the guide of one acre of neighborhood commercial for every 1,000 persons up to a maximum of ten acres. This criteria shall not apply to any parcel of land which is zoned C-1 on the effective date of this Ordinance.

(e) Utilities - The existing utilities systems (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems will be constructed which will be adequate to serve a neighborhood-commercial land use and shall be underground.

(f) Development Plan - Concurrent with an application for reclassification to the C-1 Neighborhood Commercial Zone, a Development Plan shall be filed with and approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611 governing Development Plans.

Section 1002: PERMITTED USES. In a C-1 zone only the following uses are permitted subject to the provisions of Article 27 governing off-street parking requirements.

- (1) Any use permitted in the O-P zone.
- (2) Bakeries
- (3) Barber shops or beauty parlors
- (4) Book or stationery stores.
- (5) Dress or millinery shops
- (6) Drug stores
- (7) Dry cleaning
- (8) Dry goods or notion stores

- (9) Florist shops
- \* (10) Grocery stores (except convenience food stores)
- (11) Hardware stores
- (12) Jewelry stores
- (13) Meat markets or delicatessen stores
- (14) Restaurants, tea rooms, or cafes (excluding dancing or entertainment). On-sale liquor facilities may be included as appurtenant uses only for restaurants serving complete menus and having table seating capacity for 50 or more diners.
- (15) Shoe stores or repair stores
- (16) Tailors, clothing or wearing apparel shops
- (17) Similar establishments catering directly to consumers where a fee is paid for parking.
- \* (18) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 1003: FRONT YARDS. See Section 1701 (d).

Section 1004: SIDE YARDS. See Section 1702 (e).

Section 1005: REAR YARDS. See Section 1703 (c).

Section 1006: LOT SIZE. See Section 1704 (c).

Section 1007: HEIGHT. See Section 1709.

Section 1008: LANDSCAPING. See Section 1731.

Section 1009: LANDSCAPING MAINTENANCE STANDARDS. See Sec. 1732.

Section 1010: LIMITATIONS ON PERMITTED USES. Every use permitted shall be subject to the following conditions and limitations:

- \*\* (1) The outdoor display of merchandise visible from a public right-of-way is expressly prohibited except for motor vehicles, boats, horticultural plants, lumber, promotional activities by nonprofit organizations, and equipment rental, subject to any other provision of this ordinance, or other regulations applicable to the conduct of such businesses. "Parking lot" sales as permitted by Section 1011 (16) and coin-operated news racks are excluded from this prohibition.
- (2) Products made incident to a permitted use shall be sold only at retail on the premises, and not more than five persons may be employed in the manufacturing, processing and treatment of products permitted therein.
- (3) Permitted signs shall be limited to identification of occupants, type of use or commodities sold or serviced on the premises, or the lease, sale or rental of the premises.
- (4) Storage shall be limited to accessory storage of commodities sold at retail on the premises.

(5) Where the property abuts properties in the R-1, R-2, R-3 or O-P zones, except where separated by a dedicated alley, there shall be erected and maintained along such property line a block, stone, brick, stucco, or concrete wall at least six feet in height. This provision shall be met before a certificate of occupancy permit may be issued by the Building Official.

(6) The showing of films, movies, video tapes, or any other mechanical reproduction of visual presentation for which a fee is charged either as an admission fee, a cover charge, or a minimum charge for other services rendered, is hereby expressly forbidden except in those establishments duly authorized and licensed under the ordinances of the City of Oceanside as "theatres."

Section 1011: SIGNS. The following signs and conditions thereto will be allowed:

(1) No free-standing sign shall exceed a height of 35 feet.

(2) Two square feet of advertising sign up to a maximum of 300 square feet, will be allowed on the front of the building for every lineal foot of building frontage (see definition.) No such sign need be less than 40 square feet regardless of the lineal building frontage.



(3) One square foot of identifying sign up to a maximum of 150 square feet will be allowed on the side or rear of a building for every lineal foot of building frontage when said side or rear is oriented to or faces a public parking area or street.

(4) All attached signs must be flat against and project no further than 18 inches from the building or structure and shall not extend above the top of the wall; must be constructed of metal, wood or comparable weatherproof material, and must be enclosed and bird and vermin proof; interior signs excepted.

(5) One double-faced or single-faced detached advertising or identifying sign may be allowed when the building location or configuration or topographical variation or other like circumstances preclude the effective use of a sign on the building but must have the explicit approval of the Planning Commission or City Council as to necessity, size and location as shown on a development plan or variance application. The square footage of each face, however, shall in no case exceed that amount allowed on the front of the building and shall be subtracted therefrom. All detached signs shall be placed within a permanently landscaped area of no less than 24 square feet surrounded by a concrete curb of no less than six inches high.

(6) One name plate, not exceeding two square feet in area, containing the name, address, hours of operation or license number of an occupant will be allowed at every exterior entrance to a building.

(7) One sign attached to the main building, not to exceed 32 square feet of surface area, pertaining only to the sale, lease, or rental of the particular building, property, or premises upon which displayed. Unimproved property will be allowed one detached sign of the same size no higher than 10 feet from ground surface.

(8) No sign may encroach upon or overhang adjacent property or public right-of-way unless an encroachment permit has been approved by the Director of Building and Housing.

(9) Signs painted on the walls of buildings are prohibited.

(10) Temporary signs painted or attached to either surface or windows or visible therefrom will be allowed on the ground floor level but shall obscure no more than 20 percent of the total square footage of such windows, or signs totaling no more than 20 percent of the square footage of such windows may be allowed in permanent, weatherproof display boxes attached flat against the surface of the building. Such signage shall advertise only products available on the premises and shall be allowed for a period of not more than 30 days without total change of copy.

(11) All sign illumination will be from the interior, and no sign visible from a public street shall be constructed or maintained to flash, rotate, or in any way simulate motion.

(12) The square footage of a sign made up of letters, words, or symbols within a frame, shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols. Only those portions of the construction elements that are an integral part of the sign itself shall be considered in the allocation of square footage allowed.

(13) Banners, pennants and flags without wording erected for the purpose of advertising the original opening of a business may be permitted by the Director of Building and Housing, with a service charge of \$10.00, for a period of not to exceed thirty days. The location and size of the same shall not obstruct the view of neighboring property. The permit may contain reasonable conditions including a deposit of \$25.00 to guarantee the removal of the said banners or pennants at the end of the permit period.

(14) One sign bearing the name of the occupants of the building and conforming to a size of not more than 5 feet in horizontal length and 1 foot in vertical height shall be permitted in addition to the other signs allowed herein when such signs are placed beneath a canopy or roof overhang, with a minimum clearance of 8 feet from the sidewalk.

(15) A detached sign, no higher than 20 feet from ground surface, shall be permitted to identify a shopping center or department store. The total area of sign displayed shall not be larger than 100 square feet per face or 200 square feet total when the gross square feet of floor space of the shopping center or department store is between 30,000 square feet and 100,000 square feet; shall not be larger than 200 square feet per face or 400 square feet total when the gross square feet of floor space of the shopping center or department store is between 100,000 square feet and 250,000 square feet; shall not be larger than 300 square feet per face or 600 square feet total when the gross square feet of floor area of the shopping center or department store is larger than 250,000 square feet. The general location and dimensions of the identification sign shall be approved by the Planning Director unless fixed by a Development Plan or by the Planning Commission or by the City Council.

(16) The outdoor display and sale of merchandise and minor temporary signs relating thereto during special promotional events may be permitted for the use of any shopping center or department store for a period of not to exceed three consecutive shopping days during any calendar year, such activity to be conducted wholly on private property.

(17) All signs shall be structurally safe, shall be painted (nontoxic) or of rust inhibitive material and shall be maintained in good condition in the opinion of the Planning Director, Director of Building and Housing, Planning Commission, or City Council. It shall further be the responsibility of the property owner of the land and/or improvements to remove any sign or signs on premises abandoned for a period of over 60 days.

(18) One temporary double-faced or two single-faced signs, no higher than 10 feet from ground surface, not to exceed 75 square feet per face, denoting the proposed or future construction on a particular site will be allowed for a period not to exceed six months prior to construction, with the right of renewal for an additional six months. Said sign may indicate the particulars of the proposed construction; the company, firm, or individual, instrumental in its creation; the architect, engineer, contractor; and rental, sale, or lease information. If construction commences, said sign or one similar thereto will be allowed until seven days after completion of the project, which will be determined from the date of the occupancy permit.

Section 1012: APPLICABILITY TO EXISTING SIGNS.

(1) The provisions of Section 1011 shall not apply to any sign lawfully existing prior to the adoption of this ordinance. Minor repairs only may be made to such nonconforming signs, to wit: replacement of tubes, light bulbs, fuses and broken glass.

(2) Structural alterations, including change in size, shape or copy of any existing nonconforming signs shall be considered the same as construction of a new sign and shall conform to all provisions of Section 1011.

(3) Existing nonconforming signs painted directly onto walls or buildings may be repainted providing the size of the existing painted sign or the copy of such sign is not altered. Prior to issuance of a sign permit, the applicant shall provide the Director of Building and Housing with the information contained on both the existing and proposed sign.

(4) When new signs are proposed as a result of a change in business or occupancy, all existing or any new signs shall be made to conform with the provisions of Section 1011.

(5) When a use or business has been abandoned for a period of sixty days or more, it shall be the responsibility of the property owner of the land and/or improvements to remove any existing sign or signs.



## ARTICLE 11

### C-2 - GENERAL COMMERCIAL ZONE (C-2 ZONE)

Section 1100: PURPOSE. The purpose of the General Commercial (C-2) Zone is to classify and set standards for retail and service commercial uses which by their nature are of relatively high intensity; are necessary to provide a wide range of shopping facilities and goods, professional and administrative offices, and entertainment establishments; and are generally within close proximity to residential zoning or development and, therefore, require a physical treatment which will guarantee compatibility with and protection of surrounding properties and their values.

Section 1101: CRITERIA. The following general criteria are hereby established for consideration of the classification or reclassification of land to the C-2 zone:

(a) General Plan - Compliance with the General Plan shall be established.

(b) Location - General Commercial areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan.

(c) Need - A demonstrated public need shall be established.

(d) Site Area - A minimum of ten acres based upon the guide of three-quarters ( $3/4$ ) of an acre of General Commercial for every 1,000 persons up to a maximum of thirty acres. This provision shall not apply to those lots contiguous to existing commercial zoned areas not meeting this minimum site area requirement.

(e) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve general commercial developments and shall be underground.

(f) Development Plan - Concurrent with an application for reclassification to the C-2 Commercial Zone, a development plan shall be filed with and approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611, governing development plans.

\* For any parcels currently zoned C-2 on which no specific or development plan exists and said parcels contain two-and-one-half acres or more, a development plan must be approved by the Planning Commission pursuant to the provisions of Article 16, Section 1611, governing development plans prior to the issuance of building permits.

Section 1102: PERMITTED USES. In a C-2 zone the following uses are permitted subject to the provisions of Article 27 governing off-street parking requirements.

- (1) Any use permitted in the C-1 zone
- (2) Automobile repairing
- \*\* (3) Restaurants with cocktail lounges (including dance floor)
- (4) Newspaper, printers
- (5) Photo engraving
- (6) Upholstering shops
- (7) Retail, wholesale or service businesses catering directly to the consumer
- (8) Frozen food lockers

(9) Kennels/Vets - provided all facilities shall be maintained inside an adequately soundproofed building.

(10) Any commercial use not listed in a less restrictive zoning district.

\* (11) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 1103: FRONT YARDS. See Section 1701 (f).

Section 1104: SIDE YARDS. See Section 1702 (g).

Section 1105: REAR YARDS. See Section 1703 (e).

Section 1106: HEIGHT. See Section 1709.

Section 1107: LIMITATIONS ON PERMITTED USES. See Sec. 1010.

Section 1108: LANDSCAPING. See Section 1731.

Section 1109: LANDSCAPING MAINTENANCE STANDARDS. See Sec. 1732.

Section 1110: SIGNS. The following signs and conditions thereto shall apply:

(a) All sign provisions of Article 10, Section 1011 shall apply with the following exceptions:

(1) Three square feet of advertising sign up to a maximum of 300 square feet, will be allowed on the front of the building for every lineal foot of building frontage (see definition). No such sign need be less than 40 square feet regardless of the lineal building frontage.

(2) Three square feet of identifying sign up to a maximum of 150 square feet will be allowed on the side or rear of a building for every lineal foot of building frontage when said side or rear is oriented to or faces a public parking area or street.

(3) A detached sign, no higher than 35 feet from ground surface, shall be permitted to identify a shopping center or department store. The total area of sign displayed shall not be larger than 100 square feet per face or 200 square feet total when the gross square feet of floor space of the shopping center or department store is between 30,000 square feet and 100,000 square feet; shall not be larger than 200 square feet per face or 400 square feet total when the gross square feet of floor space of the shopping center or department store is between 100,000 square feet and 250,000 square feet; shall not be larger than 300 square feet per face or 600 square feet total when the gross square feet of floor area of the shopping center or department store is larger than 250,000 square feet. The general location and dimensions of the identification sign shall be approved by the Planning Director unless fixed by a Development Plan or by the Planning Commission or by the City Council.

Section 1111: APPLICABILITY TO EXISTING SIGNS.

(1) The provisions of Section 1110 shall not apply to any sign lawfully existing prior to the adoption of this ordinance. Minor repairs only may be made to such nonconforming signs, to wit: replacement of tubes, light bulbs, fuses and broken glass.

(2) Structural alterations, including change in size, shape or copy of any existing nonconforming signs shall be considered the same as construction of a new sign and shall conform to all provisions of Section 1110.

(3) Existing nonconforming signs painted directly onto walls or buildings may be repainted providing the size of the existing painted sign or the copy of such sign is not altered. Prior to issuance of a sign permit, the applicant shall provide the Director of Building and Housing with the information contained on both the existing and proposed sign.

(4) When new signs are proposed as a result of a change in business or occupancy, all existing or any new signs shall be made to conform with the provisions of Section 1110.

(5) When a use or business has been abandoned for a period of sixty days or more, it shall be the responsibility of the property owner of the land and/or improvements to remove any existing sign or signs.





## ARTICLE 12

### LIGHT INDUSTRIAL ZONE - (M-1 ZONE)

Section 1200: PURPOSE. It is the purpose of the Light Industrial Zone to allow a wide diversity of industrial uses under minimum development and operational controls in areas where such uses will not have an adverse effect upon adjacent residential areas. The uses permitted are those generally regarded as "Light Industry", conducted primarily indoors, but which may require limited outdoor storage or assembly areas.

Section 1201: CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the M-1 zone.

(a) General Plan - Compliance with the General Plan shall be established in accordance with Article 3, Section 313 of this ordinance.

(b) Location - Manufacturing areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan.

(c) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) must be adequate or new systems shall be constructed to adequately serve the proposed development.

(d) Development Plans - Before development of any M-1 zoned land, a development plan shall be filed with and approved by the Planning Commission pursuant to provisions of Article 16, Section 1611 governing development plans.

Section 1202: PERMITTED USES. Subject to the development standards of this Article and the provisions of Article 27 governing off-street parking requirements, industrial uses conducted primarily within a building may be permitted. Such uses include but are not limited to the following:

- (1) Any use permitted in the I-P zone.
- (2) Automobile painting. All painting, sanding and baking shall be conducted wholly within a building.
- (3) Auction houses or stores.
- (4) Bakeries.
- (5) Body and fender works, including painting. All painting, sanding and baking shall be conducted wholly within a building.
- (6) Bottling plants.
- (7) Cabinet shops.
- (8) Carpet cleaning plants.
- (9) Cleaning and dyeing plants.
- (10) Electric or neon sign manufacture.
- (11) Electrical appliance assembly such as:
  - (a) Electronic instruments and devices.
  - (b) Radios and phonographs, including manufacture of small parts such as coils.
- (12) Frozen food lockers.
- (13) Fruit and vegetable canning preserving and freezing.

- (14) Food products manufacture, storage and process of, except lard, pickles, sauerkraut, sausage or vinegar.
- (15) Fruit packing houses.
- (16) Furniture manufacturers.
- (17) Garment manufacturers.
- (18) Glass studios, staining, beveling, and silvering in connection with sale of mirrors and glass for decorating purposes.
- (19) Laboratories, experimental, motion picture, testing.
- (20) Laundries.
- (21) Lumber yards (retail—no planing mills or burners).
- (22) Machine shops.
- (23) Nurseries (retail).
- (24) Parcel service delivery.
- (25) Plastics, fabrication from.
- (26) Plumbing shops, supply yards.
- (27) Public scales.
- (28) Rubber, fabrication of products made from finished rubber (having 15 employees or less).
- (29) Sheet metal shops.
- (30) Shoe manufacture.
- (31) Soap manufacture (cold mix only).
- (32) Textile manufacture.
- (33) Veterinarians—small animal hospitals.
- (34) Wholesale businesses, warehouses, storage buildings or enterprises.
- (35) Equipment rental yards.
- \* (36) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

ACCESSORY USES. The following accessory uses are permitted only where they are integrated with and clearly incidental to a primary permitted use. All uses shall be conducted primarily within a building.

- (a) Administrative, professional, educational offices and financial institutions.
- (b) Development of prototypes required in research and development laboratories.
- (c) Employee cafeterias, auditoriums, coffee shops, or restaurants.
- (d) Exhibition of products produced on the premises or available for wholesale distribution.
- (e) Gasoline pumps to serve only the owner's own vehicles.
- (f) Outdoor off-street parking or parking structures.

Section 1203: FRONT YARDS. See Section 1701 (f).

Section 1204: SIDE YARDS. See Section 1702 (e).

Section 1205: REAR YARDS. See Section 1703 (c).

Section 1206: YARD REQUIREMENTS WHEN ABUTTING RESIDENTIAL ZONES.

- (a) M-1 zones separated from R zones by public rights of way—Any M-1 zoned property which is separated from a R zone by a public right-of-way (except railroad rights-of-way) shall maintain a minimum 15 feet deep landscaped setback, with the exception of



driveway areas. Landscaping shall be provided as required under the provisions of Section 1731 of this Ordinance.

(b) M-1 zones abutting R zones—Any M-1 zoned property which abuts a R zoned property shall in addition to the walls required in Section 1721 (e) provide a 10 feet deep landscaped buffer area. Landscaping so required shall consist of a combination of trees, shrubs and ground cover to provide a noise barrier and plant materials and sizes shall be subject to approval of the Planning Director and City Landscape Architect and all other provisions of Section 1731 of this Ordinance.

Section 1207: LOT WIDTH. See Section 1706 (h).

Section 1208: HEIGHT. See Section 1709 (c).

Section 1209: OFF-STREET PARKING. See Article 27.

Section 1210: REQUIRED WALLS. See Section 1721 (e).

Section 1211: LANDSCAPING. See Section 1731.

Section 1212: LANDSCAPING MAINTENANCE. See Section 1732.

Section 1213: SCREENING.

(a) Screening of outdoor storage and assembly areas—Those uses which require outside storage areas, except those uses which are customarily conducted in the open, such as nurseries, equipment rental yards, etc., shall be enclosed on all sides with a solid concrete, masonry, or decorative block wall at least six feet in height. Materials stored therein shall not be stacked to exceed the height of such wall or fence. A view obscuring fence not to exceed eight (8) feet in height, made of material such as woven wire, welded wire, chain link or wrought iron may be allowed to within ten (10) feet of the side street side property line. The area between this fence and the property line shall be landscaped in accordance with provisions of Article 17, Section 1731.

(b) Screening of mechanical equipment—Provisions of Article 17, Section 1729 shall apply.

(c) Refuse storage—Provisions of Article 17, Section 1730 shall apply.

Section 1214: PERFORMANCE STANDARDS. All uses permitted in the M-1 district shall be subject to the following limitations:

(1) Noise or vibration created by or resulting from any industrial machinery or process shall not be audible beyond the limits of the industrial zoned area and shall conform to the standards adopted in the Noise Element of the General Plan.

(2) Odors, glare, heat or lighting created by or resulting directly from any use shall not be perceptible at any point beyond the industrial area.

(3) Discharge into the atmosphere of air contaminants shall be subject to all requirements of the San Diego Air Quality and Air Pollution Control Board.

(4) Water supply, drainage, rubbish and waste disposal systems and practices shall conform with all applicable codes and standards.

(5) Industrial activities shall be of such nature as not to cause damage or nuisance to the health, safety, peace or general welfare of persons residing or working in the vicinity of the industrial park.

## ARTICLE 12.1

### C-M - HEAVY COMMERCIAL - LIMITED INDUSTRIAL ZONE (C-M ZONE)

Section 1201.10: PERMITTED USES. In a C-M Zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Article 16 governing off-street parking requirements.

- (1) Any use permitted in the C-2 Zone except:
  - (a) Hotels, motels and auto courts.
  - (b) Hospitals (industrial emergency hospitals are permitted)
  - (c) Institutions or homes for the treatment of convalescent persons, children, aged persons, alcoholics, the wounded or mentally infirm.
  - (d) Private clubs, fraternities, sororities and lodges.
  - (e) Institutions of a philanthropic or eleemosynary nature, including correctional and mental.
- (2) A dwelling on the same lot on which a factory is located, when such dwelling is used exclusively by a caretaker or superintendent of such factory and his family. When such dwelling is established all required yards in the R-3 Zone shall be maintained.
- (3) Assembly of electrical appliances such as :
  - (a) Electronic instruments and devices
  - (b) Radios and phonographs, including manufacture of small parts, such as coils.
- (4) Auction houses or stores
- (5) Building material storage yards
- (6) Cabinet shops
- (7) Carpet cleaning plants.
- (8) Ceramic products, manufacture of, including figurines, using only previously pulverized clay and kilns fired only by electricity or low pressure gas.
- (9) Cleaning and dyeing plants.
- (10) Contractor's storage yards.
- (11) Frozen food lockers.
- (12) Glass studios, staining, edging, beveling and silvering in connection with sale of mirrors and glass for decorating purposes.
- (13) Laboratories, experimental, motion picture, testing.
- (14) Laundries.
- (15) Lumber yards (no planing mills or burners)
- (16) Parcel service delivery.
- (17) Plumbing shops, supply yards.
- (18) Public scales.
- (19) Veterinarians, small animal hospitals, provided all facilities shall be maintained inside of an adequately soundproofed building.
- (20) Wholesale businesses, storage buildings or enterprises.
- (21) Equipment rental yards.
- (22) Other commercial and industrial businesses or enterprises when processed in the manner specified in Article 16.
- \* (23) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.



Section 1201.11: LIMITATIONS ON PERMITTED USES. Every use permitted shall be subject to the following conditions and limitations.

(1) There shall be maintained a building line setback of ten percent of the average depth of the lots in each block of any C-M zone area, provided such setback shall not be less than 10 feet need not exceed 25 feet in depth, and provided further that such setback shall not be required on lots created prior to January, 1958, which have a depth of 100 feet or less. Where such a setback is required, a minimum strip of landscaping shall be maintained along all frontage of the setback area. In addition thereto the following uses may be permitted in such setback area.

(a) Landscaping shall be provided subject to the approval of the parks Superintendent.

(b) Motor vehicle parking (only if surfaced in such manner as to eliminate dust or mud).

(c) Employees recreational area without structures.

(d) Driveways (only if surfaced in such manner as to eliminate dust or mud).

(e) Railroad spur tracks, excluding storage of railroad motive power equipment or rolling stock.

(f) An ornamental open type fence not over eight feet in height, made of material such as woven wire, wood, welded wire, chain link or wrought iron.

(2) All uses shall be conducted primarily within an enclosed building. Those uses which require outside storage areas, except those uses which are customarily conducted in the open, such as service stations, drive-in restaurants, and horticultural nurseries, shall have areas enclosed on all sides with a solid masonry, block, cement or stucco wall, or a uniformly painted solid wood fence, at least six feet in height. Material stored therein shall not be stacked to exceed the height of such wall or fence.

(a) Where the owner feels that such a storage area or part thereof constitutes a necessary display area for products which are sold at retail on the premises, application may be made to the Planning Commission for a variance to modify the provisions herein to permit the construction of a chain link or ornamental open fence in place of such solid wall or fence. The Planning Commission may grant such a variance upon a finding that the modification will not be detrimental to the surrounding properties and is necessary for the conducting of the specific business for which application is made. Such a variance may not be granted to contractor storage yards, plumbing shops, or automobile dismantling or repair.

(3) All operations conducted on the premises shall not be objectionable by reason of noise, odor, dust, mud, smoke, lighting, vibration or other similar causes.

(4) Where the property abuts properties in the R-1, R-2, R-3, R-P, or R-T Zones, except where separated by a dedicated alley, there shall be erected and maintained along such property line a block, stone, brick, stucco, or concrete wall at least six feet in height. This provision shall be met before a certificate of occupancy permit may be issued by the Building Official.

(5) The showing of films, movies, video tapes, or any other mechanical reproduction of visual presentation for which a fee is charged either as an admission fee, a cover charge, or a minimum charge for other services rendered, is hereby expressly forbidden except in those establishments duly authorized and licensed under the ordinances of the City of Oceanside as 'theatres'.

Section 1201.12: HEIGHT. The City Council may, after processing in the manner prescribed for amendments to this ordinance, establish districts within the C-M zone limiting the height of buildings when it is found that the public necessity, convenience, and general welfare require such limitations. Such districts shall be defined on the zone maps and become a part thereof.

Section 1201.13: FRONT YARD. Front yards shall be provided as required in Section 1201 or as provided by a precise plan.

Section 1201.14: SIDE YARDS. No side yard shall be provided except as may be required by a precised plan.

Section 1201.15: PLACEMENT OF BUILDINGS. On any lot, the rear lot line of which abuts property in any "R" Zone and no alley intervenes, no building shall be erected closer than ten feet to the rear lot line; provided further, if such a lot abuts upon an alley, no building shall be erected closer than five feet to the rear lot line of such lot.





## ARTICLE 13

### GENERAL INDUSTRIAL ZONE (M-2 ZONE)

Section 1300 PURPOSE. The M-2 zone is intended to expand and strengthen the industrial base and to permit development of the more intensive industrial uses commonly referred to as "heavy industry." The modern day potential for compatible appearance and performance characteristics of these industries is recognized; however, due to the intensity of operation, the permitted uses may not be able to maintain the same development standards as required in the I-P and M-1 zones.

Section 1301: GENERAL CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to M-2 zone.

(a) General Plan - Compliance with the General Plan shall be established in accordance with Article 3, Section 313 of this Ordinance.

(b) Location - Manufacturing areas shall be located with primary access to a major or secondary street as shown on the Major Street Plan.

(c) Need - A demonstrated public need shall be established.

(d) Utilities - The existing utility system (water, sewer, drainage, electrical, gas and communications facilities) must be adequate or new systems shall be constructed to adequately serve Manufacturing developments.

(e) Development Plans - Before development of any M-2 zoned land, a development plan shall be filed with and approved by the Planning Commission pursuant to provisions of Article 16, Section 1611 governing development plans.

Section 1302: PERMITTED USES. Subject to the conditions of this zone, the following buildings, structures, and uses, either singly or in combination, are permitted in the M-2 zone:

- (1) Any use permitted in the I-P and M-1 zones.
- (2) Automobile assembly plants.
- (3) Contractor's storage yards.
- (4) Dairy products manufacture.
- (5) Equipment rental yards.
- (6) Glue manufacture.
- (7) Ice and cold storage plants.
- (8) Lumber yards (retail and wholesale).
- (9) Mills, planing.
- (10) Nurseries (horticultural).
- (11) Prefabricated building, manufacture of.
- (12) Public utilities service yards.
- (13) Storage areas for transit and transportation equipment.
- (14) Tire rebuilding, recapping and retreading.
- (15) Truck repair and steam cleaning.
- (16) Wineries and breweries.

\* (17) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 1303: FRONT YARD. See Section 1701 (g).

Section 1304: SIDE YARDS. See Section 1702 (f).

Section 1305: REAR YARDS. See Section 1703 (d).

Section 1306: YARD REQUIREMENT WHEN ABUTTING RESIDENTIAL ZONES.

(a) M-2 zones separated from R zones by public rights of way--Any M-2 zoned property which is separated from a R zone by a public right of way (except railroad rights-of-way) shall maintain a minimum 15 feet deep landscaped setback, with the exception of driveway areas. Landscaping shall be provided as required under the provisions of Section 1731 of this Ordinance.

(b) M-2 zones abutting R zones--Any M-2 zoned property which abuts a R zoned property shall in addition to the walls required in Section 1721 (e) provide a 10 feet deep landscaped buffer area. Landscaping so required shall consist of a combination of trees, shrubs and ground cover to provide a noise barrier and plant materials and sizes shall be subject to approval of the Planning Director and City Landscape Architect and all other provisions of Section 1731 of this Ordinance.

Section 1307: LOT WIDTH. See Section 1706 (i).

Section 1308: HEIGHT. See Section 1709 (c).

Section 1309: OFF-STREET PARKING. See Article 27.

Section 1310: REQUIRED WALLS. See Section 1721 (e).

Section 1311: LANDSCAPING. See Section 1731.

Section 1312: LANDSCAPING MAINTENANCE STANDARDS. See Sec. 1732.

Section 1313: SCREENING.

(a) Screening of Outdoor Storage and Assembly Area--Any outdoor storage or assembly area shall be enclosed with a solid concrete, masonry, or decorative block wall at least six feet in height on that side which faces the street. The area between the wall and property line shall be landscaped in accordance with provisions of Article 17, Section 1731. Such walls shall not be placed in any required setback area. All other sides may be enclosed by a view-obscuring fence made of material such as woven wire, wood, welded wire or chain link with webbing. Materials stored therein shall not be stacked to exceed the height of the wall or fence.

(b) Screening of Mechanical Equipment--Provisions of Article 17, Section 1729 shall apply.

(c) Refuse Storage--Provisions of Article 17, Section 1730 shall apply.

Section 1314: PERFORMANCE STANDARDS. All uses permitted in the M-2 district shall be subject to the following limitations:

(1) Noise or vibration created by or resulting from any industrial machinery or process shall not be excessive or create an annoyance or safety hazard beyond the limits of the Industrial zoned area and shall conform to the standards adopted in the Noise Element of the General Plan.

(2) Odors, glare, heat or lighting created by or resulting directly from any use shall not be excessive or create an annoyance or safety hazard at any point beyond the industrial area.

(3) Discharge into the atmosphere of air contaminants shall be subject to all requirements of the San Diego Air Quality and Air Pollution Control Board.

(4) Water supply, drainage, rubbish and waste disposal systems and practices shall conform with all applicable codes and standards.

(5) Industrial activities shall be of such nature as not to cause damage or nuisance to the health, safety, peace, or general welfare of persons residing or working in the vicinity of the industrial complex.



## ARTICLE 13.1

### "IP" - Industrial Park Zone ("I-P" Zone)

Section 1301.10. PURPOSE: It is the purpose of the Industrial Park (I-P) Zone to provide areas for the establishment of industrial uses which demonstrate by the quality of their development and operations that they can locate in close proximity to residential districts and uses with a minimum of environmental conflict. It is intended that this district shall be characterized by large tracts with numerous building sites which are directly accessible from major streets or highways. The developmental and operational standards are intended to provide compatibility with and protection to surrounding properties by minimizing traffic congestion, noise, glare, vibrations, emissions of odorous, toxic or noxious matter, and to provide adequate off-street parking, landscape buffering, and proper placement of buildings.

Section 1301.11. CRITERIA: The following general criteria are hereby established for use in the classification or reclassification of land to the I-P zone.

(a) General Plan. Compliance with the General Plan shall be established.

(b) Size. Land to be classified or reclassified to the I-P zone shall generally be of sufficient size to accommodate an Industrial Park concept and should generally not be less than ten (10) acres in size. Further subdivision into smaller parcels may be permitted after approval of a Development Plan, and further provided that all requirements of the I-P zone are met.

(c) Location. Industrial Parks should have primary access to a major street or highway as specified on the Major Street Plan. Land so utilized should be topographically suited to such use without major earth movement, resulting in unsafe or unsightly cut or fill slopes.

(d) Utilities. The existing utilities systems (principally water, sewer, drainage, electrical, gas and communication facilities) are adequate or new systems will be constructed which will be adequate to serve the Industrial Park. All such utilities shall be underground.

Section 1301.12. PERMITTED USES: In the I-P zone, no building or land shall be used, and no building shall be hereafter erected or structurally altered unless otherwise provided herein, further provided that before any building permit may be issued, a Development Plan must be approved by the Planning Commission. All uses shall be subject to review and approval by the Planning Commission, shall be conducted within a completely enclosed building and shall be subject to development standards set forth in Section 1301.13.

- (a) Manufacturing uses entirely conducted within enclosed buildings.
- (b) Research facilities.
- (c) Regional or home offices of industries and public utilities.
- (d) Public buildings necessary to serve the area.
- (e) Day care nurseries primarily for the use of employees of the industrial park.
- (f) And such other uses which the City Council, after review by the Planning Commission, determines to be compatible and not limited to a less restrictive district.

\* (g) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

All such uses must conform with the performance standards established in this article.

ACCESSORY USES: The following accessory uses are permitted only where they are integrated with and clearly incidental to a primary permitted use. All uses shall be conducted wholly within a building:

- (a) Administrative, professional, educational offices and financial institutions.
- (b) Development of prototypes required in research and development laboratories.
- (c) Employee cafeterias, auditoriums, coffee shops, or restaurants.
- (d) Exhibition of products produced on the premises or available for wholesale distribution.
- (e) Gasoline pumps to serve only owner's own vehicles.
- (f) Outdoor off-street parking or parking structures.

Section 1301.13. DEVELOPMENT STANDARDS: The following development standards shall apply to all industrial parks unless a waiver of one or more of the standards has been granted by the Planning Commission and City Council. A request for a waiver and justification thereof shall be filed in writing at the time that the application for a Development Plan is filed.

(a) Development Plan. Before development of any I-P zoned land, or concurrently with an application for classification to the I-P zone, a Development Plan shall be filed with and approved by the Planning Commission pursuant to provisions of Article 16, Section 1611 governing Development Plans.

(b) Architectural Treatment. Examples of proposed architectural treatment in the form of perspective drawings or elevation plans shall be submitted with the Development Plan. Building exteriors shall be subject to approval by the Planning Commission. Steel or corrugated metal buildings shall not be allowed.

(c) Yards. The minimum front, side or rear yard abutting a street shall be 40 feet on any major or secondary street and 35 feet on all other streets. At least 70 percent of any required front, rear, or side yard setback abutting a street shall be landscaped; the remaining 30 percent of setback area may be used for driveway purposes. In order to provide design flexibility, no minimum side or rear yards are specified except as provided above. The Planning Commission may establish setback requirements upon a specific finding being made that it is necessary to provide for a more aesthetically pleasing project, or when such projects are adjacent to residentially zoned

or developed land in which case a minimum 10-foot-deep landscaped buffer zone shall be provided.

(d) Site Size. Each I-P zoned parcel shall have a minimum one (1) acre site area, a minimum width of 150 feet at the street line and an average depth of not less than 200 feet.

(e) Building Height. No building or structure shall exceed a height of 4 stories or 45 feet, whichever is less, except as provided in Sections 1733 and 1502.4. For purposes of determining the height of a building, the average finished grade of the parcel on which the building is located shall be used.

(f) Walls. A six-foot high solid concrete, masonry, or decorative block wall shall be provided at the rear or side property lines abutting a residential zone or development except where abutting a public street.

(g) Off-Street Parking:

(1) One parking space for each 500 square feet of gross floor area.

(2) The Planning Commission may require additional parking if it is determined that the total number of employees for the largest shift exceeds the number of parking spaces proposed.

(3) Common parking areas may be provided to serve more than one building.

(4) No parking shall be permitted in any landscaped front or side street side yard setback area.

(5) Parking areas abutting private driveways shall be separated therefrom by a 5-foot wide planter area.

(6) All other provisions of Article 27 relating to off-street parking requirements for industrial developments shall apply.

(h) Streets. Industrial parks containing 20 or more acres may utilize private streets provided the following criteria are met.

(1) Pavement sections shall have a minimum width of 30 feet.

(2) Where a private street enters a public street, the pavement width shall be increased to 36 feet within 150 feet of the public street to provide for turning pockets.

(3) No parking shall be permitted along curbs of private streets.

(4) The developer shall provide proper signalization and sign control at such locations as deemed necessary by the City or Traffic Engineer.

(i) Landscaping Requirements. All provisions of Article 17, Sections 1731 and 1732 relating to general landscaping and maintenance standards shall apply.

(j) Screening of Mechanical Equipment. Provisions of Article 17, Section 1729 shall apply.

(k) Refuse Storage. Provisions of Article 17, Section 1730 shall apply.

(l) Lighting. Artificial illumination of any structure, lot or open area including but not limited to buildings, signs, parking and storage areas, shall be so installed and arranged as to direct light away from adjoining properties. The intensity of illumination provided shall be sufficiently subdued to prevent any nuisance to other properties and uses in the vicinity.



(m) Signs.

(1) Two square feet of advertising sign up to a maximum of 100 square feet, will be allowed on the front of the building for every lineal foot of building frontage or the same sign footage encompassed within a ground sign of the same architectural style of the building, no higher than 6 feet from ground level and placed within a lawn or totally landscaped area.

(2) One square foot of identifying sign up to a maximum of 50 square feet, will be allowed on the side and rear of a building for every lineal foot of building frontage when said side and rear is oriented to or faces a public parking area or street or in the case of a side yard of a corner lot, the same sign footage encompassed within a ground sign of the same architectural style of the building, no higher than 6 feet from ground level and placed within a lawn or totally landscaped area.

(3) All attached signs must be flat against the building or structure and shall not extend above the top of the wall; must be constructed of metal, wood, or comparable weatherproof material; and must be enclosed and bird and vermin proof, interior signs excepted.

(4) One name plate, not exceeding 2 square feet in area, containing the name and address of an occupant will be allowed at every exterior entrance to a building.

(5) One sign attached to the main building, not to exceed 24 square feet of surface area, pertaining only to the sale, lease or rental of the particular building, property or premises upon which displayed.

(6) No sign may encroach upon or overhang adjacent property or public right of way unless an encroachment permit has been approved by the City Council as set forth in this code.

(7) Painted signs on buildings or either surface of windows or attached thereto are prohibited.

(8) All sign illumination will be from the interior, and no sign visible from a public street shall be constructed or maintained to flash, rotate, or in any way simulate motion.

(9) The square footage of a sign made up of letters, words, or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols. Only those portions of the construction elements that are an integral part of the sign itself shall be considered in the determination of square footage allowed.

(10) All signs shall be structurally safe, shall be painted (non-toxic) or of rust inhibitive material, and shall be maintained in good condition as determined by the Planning Director, Building and Safety Director, Planning Commission, or City Council. It shall be the responsibility of the owner of the land or improvements to remove any sign or signs on premises abandoned for a period of over 60 days.

(11) One temporary double-faced or two single-face signs, not to exceed 75 square feet per face, denoting the proposed or future construction on a particular site will be allowed for a period not to exceed six months prior to construction, with the right of renewal for an additional six months. Said sign may indicate the particulars of the proposed construction; the company, firm or

individual instrumental in its creation; the architect, engineer, contractor; and rental sale, or lease information. If construction commences, said sign will be allowed until seven days after completion of the project, which will be determined from the date of the occupancy permit.

(12) No sign shall be so constructed or located as to constitute a nuisance or in any way be detrimental to residential uses to the front, side, or rear of the Planned Industrial site.

(n) Performance Standards. All uses permitted in the I-P District shall be subject to the following limitations:

(1) Noise or vibration created by or resulting from any industrial machinery or process shall not be audible at the property lines and shall conform to the standards adopted in the Noise Element of the General Plan.

(2) Odors, glare of heat created by or resulting directly from any use shall not be perceptible at any point beyond the property lines.

(3) Discharge into the atmosphere of air contaminants shall be subject to all requirements of the San Diego Air Quality and Air Pollution Control Board.

(4) Water supply, drainage, rubbish and waste disposal systems and practices shall conform with all applicable codes and standards.

(5) Industrial activities shall be of such nature as not to cause damage or nuisance to the health, safety, peace, or general welfare of persons residing or working in the vicinity of the industrial park.

## ARTICLE 13.2

### "M" - MANUFACTURING ZONE ("M" ZONE)

Section 1302.10: PERMITTED USES. In an "M" Zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Article 16 governing off-street parking requirements.

- (1) Any use permitted in the C-M zone.
- (2) Automobile assembly, body and fender works, dismantling and used parts storage when operated or maintained wholly within a building.
- (3) Automobile painting. All painting, sanding and baking shall be conducted wholly within a building.
- (4) Bakeries.
- (5) Body and Fender works, including painting.
- (6) Bottling plants.
- (7) Breweries.
- (8) Creameries.
- (9) Dairy products manufacture.
- (10) Draying, freighting or trucking yards or terminals.
- (11) Electric or neon sign manufacture.
- (12) Feed and fuel yards.
- (13) Fruit and vegetable canning, preserving and freezing.
- (14) Food products manufacture, storage and process of, except lard, pickles, sauerkraut, sausage or vinegar.
- (15) Fruit packing houses.
- (16) Furniture manufacture.
- (17) Garment manufacturers.
- (18) Ice and cold storage plants.
- (19) Lumber yards.
- (20) Machine shops.
- (21) Manufacture of prefabricated buildings.
- (22) Mills, planing (provided they are first reviewed and granted a conditional use permit as provided in Article 19).
- (23) Plastics, fabrication from.
- (24) Poultry and rabbit slaughter (provided they are first reviewed and granted a conditional use permit as provided in Article 19).
- (25) Public utilities service yards or electrical receiving and/or transforming stations.
- (26) Rubber, fabrication of products made from finished rubber.
- (27) Sheet metal shops.
- (28) Shoe manufacturing.
- (29) Soap manufacture, cold mix only.
- (30) Stone monument works.
- (31) Storage space for transit and transportation equipment, except freight classification yards.
- (32) Textile manufacture.
- (33) Tire rebuilding, recapping and retreading.
- (34) Truck repair and steam cleaning equipment.
- (35) Any industrial use not specifically permitted herein must be reviewed as provided in Article 19 for a Conditional Use Permit in order to locate industry in its proper and available



location in the region and prevent conflict with the high degree of residential development existing in and around the City of Oceanside. Any use that is found to be objectionable or incompatible with the character of the City and its environs due to noise, dust, odors or other undesirable characteristics may be denied a Conditional Use Permit.

\* (36) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section ~~1302.11~~ 1302.11: LIMITATIONS ON PERMITTED USES. Every use permitted shall be subject to the following conditions and limitations:

(1) There shall be maintained a building line setback of ten percent of the average depth of the lots in each block of any M zone area provided such setback shall not be less than 10 feet nor need not exceed 25 feet in depth, and provided further that such setback shall not be required on lots created prior to January 1958, which have a depth of 100 feet or less. Where such a setback is required, a minimum strip of landscaping shall be maintained along all frontage of the setback area. In addition thereto the following uses may be permitted in such setback area.

(a) Landscaping shall be provided subject to the approval of the Parks Superintendent.

(b) Motor vehicle parking lots (only if surfaced in such manner as to eliminate dust or mud).

(c) Employees recreational area without structures.

(d) Driveways (only if surfaced in such manner as to eliminate dust or mud).

(e) Railroad spur tracks, excluding storage of railroad motive power equipment or rolling stock.

(f) An ornamental open type fence not over eight feet in height, made of material such as woven wire, wood, welded wire, chain link or wrought iron.

(2) All uses shall be conducted primarily within an enclosed building. Those uses which require outside storage areas, except those uses which are customarily conducted in the open, such as service stations, drive-in restaurants, and horticultural nurseries, shall have areas enclosed on all sides with a solid wood fence, at least six feet in height. Material stored therein shall not be stacked to exceed the height of such wall or fence.

(a) Where the owner feels that such a storage area or part thereof constitutes a necessary display area for products which are sold at retail on the premises application may be made to the Planning Commission for a variance to modify the provisions herein to permit the construction of a chain link or ornamental fence in place of such solid wall or fence. The Planning Commission may grant such a variance upon a finding that the modification will not be detrimental to the surrounding properties and is necessary for the conducting of the specific business for which application is made. Such a variance may not be granted to contractor storage yards, plumbing shops, or automobile dismantling or repair.

(3) All operations conducted on the premises shall not be objectionable by reason of noise, odor, dust, smoke, lighting, vibration or other similar causes.

(4) Where the property abuts properties in the R-1, R-3, R-P, or R-T Zones, except where separated by a dedicated alley, there shall be erected and maintained along such property line a block, stone, brick, stucco, or concrete wall at least six feet in height. This provision shall be met before a certificate of occupancy permit may be issued by the Building Official.

Section 1302.12: FRONT YARD. Any building structure, or any part thereof in an "M" Zone shall have a front yard only when any one or more of the following conditions apply:

(1) If the premises is devoted to an "R" use in the "M" Zone, the depth of the front yard shall conform to the front yard requirements in the R-3 Zone.

(2) When property classified for "M" purposes comprises part of the frontage in a block on one side of a street between intersecting streets and the remainder of the frontage in the same block is classified for "R" purposes, the front yard in such "M" Zone shall conform to the front yard required in the R-3 Zone.

(3) A front yard shall be provided as may be required by a precised plan, variance or conditional use permit.

Section 1302.13: SIDE YARDS. Every lot in an "M" Zone when used for "C" or "M" purposes, need provide no side yards except such as may be incorporated in a precised plan or in a Conditional Use Permit or a Variance.

Section 1302.14: BUILDINGS, PLACEMENT. No building shall be erected closer than ten feet to the rear lot line of any lot zoned for "M" purposes when such lot abuts upon property classified for "R" purposes and no alley intervenes.

Any building located on an alley and having an opening used as a means of access from such alley shall maintain a distance of not less than five feet from such alley.

Section 1302.15: HEIGHT. The City Council may, after processing in the manner prescribed for amendments to this ordinance, establish district within the "M" zone limiting the height of buildings when it is found that the public necessity, convenience and general welfare require such limitations. Such districts shall be defined on the zone maps and become a part thereof.





## ARTICLE 14

### "F" - FLOOD PLAIN AREAS ("F" AREA)

Section 1400: PERMITTED USE. In a Flood Plain Area wherein all areas have, after investigation, been declared by the City Council by resolution as unfit for human habitation by reason of topography, elevation and other physical factors contributing to the hazard of flood and inundation, no building shall be erected, reconstructed or structurally altered nor shall any building be used for any purpose except as hereafter provided and allowed by this article. The flood plain areas are hereby declared to be superimposed over the normal zoning existing or hereafter created.

The properties indicated by the superimposed Flood Plain Area designation shall be limited only to the following uses irregardless of the basic zoning classifications:

- (1) Agricultural uses; or
- (2) Other uses not involving buildings designed or occupied for living purposes, public assembly or both, or for the manufacture or storage of products and materials except those incidental and necessary to the permitted uses, unless such properties comply with the following additional requirements over and above those set forth in the Article governing the basic zoning classification:

(a) Foundation walls, footings and type of construction shall be such as will prevent damage to the structure during flood conditions.

(b) The floor levels of the main floor of any dwelling in the various areas enumerated as Flood Plain Areas shall not be lower than the elevation designated as being the part below which such areas are subject to flood.

This Section does not permit the excavation or quarrying of any rock, sand, gravel or other material in any such areas declared as hazardous for such use, nor does it permit any operation which will, by its nature or structure or materials used in connection therewith, impede or tend to impede, retard or change the direction of the flow of water in any river, stream, wash or arroyo, or that will catch or collect debris carried by water flowing in such areas, unless such areas are so used in conformity with any rules and regulations established by the City Council.

Section 1401: AREAS AFFECTED. Such areas shall be graphically defined on the Zoning Map.

## ARTICLE 14.1

### A-2 $\frac{1}{2}$ SUBURBAN-AGRICULTURAL ZONE

Section 1401.10: PERMITTED USES. In an "A-2 $\frac{1}{2}$ " Zone the following uses are permitted as are hereinafter specifically allowed and provided, subject to the provisions of Article 16 governing off-street parking requirements.

(1) Any use permitted in the R-A Residential-Agricultural Zone and under the same conditions required therein.

(2) Churches, educational institutions.

(3) Accessory uses incidental to and in connection with the foregoing, including processing for market of poultry and small animals raised on the premises.

(4) Guest houses to be used as temporary living quarters notwithstanding Section 234 hereof.

Section 1401.11: HEIGHT. In the A-2 $\frac{1}{2}$  zone no building shall exceed a height of thirty-five (35) feet, except that non-dwelling structures which require a greater height for functional purposes, such as windmills, silos and water tanks may be erected.

Section 1401.12: FRONT YARD. Every lot and every parcel of land in an A-2 $\frac{1}{2}$  Zone shall have a front yard with a depth not less than twenty (20) feet.

Section 1401.13: SIDE YARDS. Every lot and every parcel shall have a side yard on each side of such lot or parcel which side yard shall be not less than ten feet (10') in width.

Section 1401.14: PLACEMENT OF BUILDINGS. Placement of buildings on any lot or parcel shall conform to the following:

(a) No building shall occupy any portion of a required yard.

(b) Any building, any portion of which is used for human habitation, shall observe a distance from any lot side line the equivalent of the required side yard on such lot or parcel and from the rear property line a distance of not less than ten (10') feet.

(c) The distance between buildings used for human habitation and accessory buildings shall not be less than ten feet.

(d) A non-dwelling accessory building may be built to the rear line and to the side lines to the rear of the required yard.

Section 1401.15: AREA. The minimum required area of a lot or parcel shall be no less than two and one-half acres.

Section 1401.16: LOT AREA PER DWELLING UNIT. The lot area per dwelling unit shall be not less than two and one-half acres.

Section 1401.17: LOT WIDTH. Every lot or parcel shall have a minimum average width of one hundred fifty (150') feet.

## ARTICLE 14.2

### A-5 GENERAL AGRICULTURAL ZONE

Section 1401.3: PERMITTED USES. In an "A-5" zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Article 16 governing off-street parking requirements.

- (1) Any use permitted in the A-2½ Zone.
- (2) Public utilities, electrical receiving and transforming stations, pipe line pumping stations and water works.
- (3) Farm employee housing, provided the building or buildings used therefor shall conform to yard requirements and spacing applicable to any dwelling, subject to conditional Use Permit.
- (4) Watershed areas and grazing lands.
- (5) Packing or processing plants for farm products, except animal slaughter houses and packing plants.

Section 1401.31: HEIGHT. In the A-5 zone no building shall exceed a height of thirty-five feet, except non-dwelling structures which require a greater height for functional purposes, such as windmills, silos and water tanks may be erected.

Section 1401.32: FRONT YARD: Every lot and every parcel of land in an A-5 Zone shall have a front yard with a depth not less than twenty (20') feet.

Section 1401.33: SIDE YARDS. Every lot and every parcel shall have a side yard on each side of such lot or parcel which side yard shall be not less than ten feet in width.

Section 1401.34: PLACEMENT OF BUILDINGS. Placement of buildings on any lot or parcel shall conform to the following:

(a) No building shall occupy any portion of a required yard.

(b) Any building, any portion of which is used for human habitation, shall observe a distance from any lot side line the equivalent of the required side yard on such lot or parcel and from the rear property line a distance of not less than ten (10') feet.

(c) The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten (10') feet.

(d) A non-dwelling accessory building may be built to the lot rear line and to the side lines to the rear of the required side yard.

Section 1401.35: AREA. In the A-5 Zone the minimum required area of a lot or parcel shall be not less than five (5) acres.

Section 1401.36: LOT AREA PER DWELLING UNIT. The lot area per dwelling unit shall be not less than five acres.

Section 1401.37: LOT WIDTH. Every lot or parcel shall have a minimum average width of three hundred (300) feet.



## ARTICLE 14.3

### A-20 DAIRY AGRICULTURAL ZONE

Section 1401.4: PERMITTED USES. In an "A-20" Zone only the following uses are permitted as are hereinafter specifically provided and allowed subject to the provisions of Article 16 governing off-street parking requirements.

- (1) Any use permitted in the "A-5" Zone.
- (2) Dairies, including milk processing, bottling and cheese making.
- (3) Stock feeding lots.

Section 1401.41: HEIGHT. In the A-20 Zone no building shall exceed a height of thirty-five feet, except that non-dwelling structures which require a greater height for functional purposes, such as windmills, silos and water tanks may be erected.

Section 1401.42: FRONT YARD. Every lot and every parcel of land in an A-20 Zone shall have a front yard with a depth not less than twenty (20) feet.

Section 1401.43: SIDE YARDS. Every lot and every parcel shall have a side yard on each side of such lot or parcel which side yard shall be not less than ten (10') feet in width.

Section 1401.44: PLACEMENT OF BUILDINGS. Placement of buildings on any lot or parcel shall conform to the following:

- (a) No building shall occupy any portion of a required yard.
- (b) Any building, any portion of which is used for human habitation, shall observe a distance from any lot side line the equivalent of the required side yard on such lot or parcel and from the rear property line a distance of not less than ten (10') feet.
- (c) The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be not less than ten (10') feet.
- (d) A non-dwelling accessory building may be built to the lot rear line and to the side lines to the rear of the required side yard.

Section 1401.45: AREA. The minimum required area of a lot or parcel in the A-20 Zone shall be not less than twenty (20) acres.

Section 1401.46: LOT AREA PER DWELLING UNIT. The lot area per dwelling unit shall be not less than twenty acres.

Section 1401.47: LOT WIDTH. Every lot or parcel shall have a minimum average width of three hundred (300) feet.

ARTICLE 14.4

"O" - Open Space Zone

Section 1401.50: INTENT OF "O" ZONE. The City Council of the City of Oceanside recognizes that those areas which possess natural and/or aesthetic attributes of Open Space and have the amenity of openness as part of their site character shall be zoned "O" - Open Space Zone.

Section 1401.51: PERMITTED USES. The uses permitted in the "O" Zone shall consist of:

- (1) Parks, public and private
- (2) Playgrounds or playing fields, public and private
- (3) Schools with playgrounds and playing fields
- (4) Golf courses, public and private
- (5) Reservoirs
- (6) Cemeteries
- (7) Missions, Monasteries or religious retreats with a minimum of one acre landscaping, excluding parking areas.
- (8) Those areas of natural or open condition which are deemed desirable and necessary to be preserved in that condition in the interests of public health, safety, or welfare.

Section 1401.52: BUILDINGS. Areas within the "O" Zone are to be protected from extensive building encroachment. Necessary amenities or appurtenant structures, i.e., picnic shelters, mausoleums, club houses may be allowed in those areas where such facilities are warranted or necessary providing approval is granted under appropriate provisions of the Zoning Ordinance.





## ARTICLE 15

### CONDITIONAL USE PERMITS

Section 1500: PURPOSE. All of the following uses, and all matters directly related to such uses, are declared to be uses possessing such unique and special characteristics as to make it impractical for them to be automatically included within some or any of the zoning districts defined in this Ordinance. The location and operation of any of these uses shall be subject to the review and issuance of a Conditional Use Permit (CUP).

The purpose of review shall be to determine whether the characteristics of any such use are compatible with the types of uses generally permitted in the surrounding area, and further, to stipulate such reasonable conditions as may be deemed necessary to assure that the basic purposes of this ordinance are being served.

Section 1501: REQUIRED SHOWING FOR CONDITIONAL USE PERMITS. Prior to the granting of a conditional use permit it shall be shown by the applicant:

(a) That the proposed use at the particular location, if not allowed by right within other zones, is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community. (Those uses in which an asterisk (\*) appears in the margin on the table as contained in Section 1506 are the only uses to which this paragraph applies.)

(b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

(c) That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use with the land and uses in the neighborhood and make it compatible thereto.

(d) That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed uses and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.

(e) That the granting of such conditional use permit will not adversely affect the General Plan of the City, any other adopted plan of the City, or the adopted plan of any other governmental agency.

Section 1502: CONDITIONAL USES APPROVED BY ACTION OF THE PLANNING COMMISSION. Section 1506 designates those uses which require conditional use permits. Such permits will only be granted within the zones indicated. In some cases, the use is permitted within certain zones as a matter of right and conditional use permits will not be required in those cases. The Planning Commission may grant a

conditional use permit upon application in accordance with Article 21 of this Ordinance. The Planning Commission's action on such applications shall be final unless appealed to the City Council as provided in Article 21.

Section 1503: EXISTING REGULATIONS. Any existing regulations applicable to property upon which an application for a conditional use permit has been required may be increased by the Planning Commission as a condition of the granting of the conditional use permit. This includes, but is not limited to, signs, fences, walls, height restrictions, density, yards, building coverage and off-street parking.

Section 1504: AMENDMENT TO A CONDITIONAL USE PERMIT. An amendment to a conditional use permit may be granted by the Planning Commission by application filed pursuant to the procedures set forth herein for the granting of a permit, except that an application for amendment of such a permit not affecting the period, the uses allowed, or the public improvements or access provided, may be made by letter to the issuing body and such amendment may be granted at a regular meeting after hearing, but without published notice.

The Planning Director and the Building Official may approve, by their endorsement on the approved plan for a conditional use permit, minor modifications in construction which do not substantially alter the plan or the use permitted. Such minor modifications shall be reported to the authority which has issued the permit.

Section 1505: EXPIRATION OF CONDITIONAL USE PERMIT. Any conditional use permits granted by the Planning Commission become null and void if not exercised within one (1) year from the date of approval of said permit. If exercised within one year, the permit is valid for the life of the operation or for the time period specified within the permit from the date of approval. For the purposes of this section, "exercized" shall mean that the appropriate building permits or operating licenses have been obtained and are in full force and effect.

Section 1506: USES REQUIRING CONDITIONAL USE PERMITS. The following uses require conditional use permits within the zones indicated. Such permits shall be issued in accordance with the provisions of this Ordinance.

- (1) Allowed within zone by right.
- (X) Allowed within zone after granting of CUP.
- (no mark) Not allowed within zone.
- (\*) Must show desirability and necessity as contained in Section 1501.a.

USE	ZONE																						P C D
	F	O	R A	A 2 ½	A 5	A 2 0	S P	R 1	P R D	R 2	R 3	R T	R C	P C P	O P	C 1	C 2	I P	M 1	M 2	C M	M C	
Acid manufacture																				X		X	X
Adult book stores - sexually oriented														X		X							
Airports, heliports, landing fields			X	X	X	X						X	X	X	X	X	X	X	X	X	X	X	X
Ambulance services															X	X							X
Amusement parks				X	X	X						X	X	X		X							X
Animal foods processing																				X		X	X
Apartments - 20 units or more											X	X	X	X	X	X	X						X
* Apartments - less than 20 units (subject to R-3 standards)											1	1	1	X	X	X	X						X
Arcades													X	X		X							X
Asphaltic concrete manufacture																				X		X	X
Automobile dismantling, junk, storage or wrecking yards																				X		X	X
Automobile service stations													X	X		X	X	X	X	X	X	X	X
Bars & cocktail lounges (not associated with restaurant)													X	X		X							X
Bathhouses													X	X		X							X
Boat building																				X		X	X
Body studios													X	X		X							X
Campgrounds and recreation vehicle parks		X	X	X	X	X	X						X	X		X							X
Car washes														X		X							X
Cardrooms													X	X		X							X
Cement, lime, gypsum or plaster of Paris manufacture																				X		X	X
* Cemeteries		1	X	X	X	X																	X
Churches and accessory uses			X				X	X	X	X	X	X	X	X	X	X	X						X
Clubs, meeting places, lodges, etc: (a) Nonprofit neighborhood area; (b) Nonprofit regional area; (c) Profit.			X				X	X	X	X	X	X	X	X	X	X	X						X X X
Columbariums, crematories, mausoleums, mortuaries		X	X	X	X	X						X	X	X	X	X	X						X
Concrete batch plants or "ready-mix" concrete plants																				X		X	X
Convenience food stores													X	X		X	X						X
Dance halls													X	X		X							X
Drive-in facilities													X	X		X	X						X
Escort services--include "out-call"													X	X		X							X
Expandable home			X				X	X	X	X	X	X											X
Explosives or fireworks, manufacture of																				X		X	X
Fertilizer manufacturers																				X		X	X
Freighting or trucking yards or terminals																				X		X	X



USE	ZONE																							P C D
	F	O	K A	A 2 ½	A 5	A 0	S P	R 1	P D	R 2	R 3	R T	R C	P C	O P	C 1	C 2	1 P	M 1	M 2	C M	M C	P C D	
Miniature golf courses, driving ranges (separate from standard golf courses)							X					X	X	X		X	X						X	
* Golf course (public or private)		1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X	X	
* Greenhouses (no retail sales in R-1, R-2 or SP)			1	1	1	1	X	X		X				X			X				X	X	X	
Gun shops														X			X						X	
High-rise structures (subject to provisions of Section 1506.C)			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Hospitals			X				X	X	X	X	X	X	X	X	X	X	X						X	
* Hotels & motels												X	1	X			X							
Housing (farm employees)				X	X	X																	X	
Industrial uses not listed in Articles 12 & 13																			X	X		X	X	
Institutions: (a) Alcohol & drug addicts; (b) Sanitariums (mental); (c) Jailer honor farms				X	X	X																	X X X	
* Kennels			X	X	X	X											1		1	1	1	1	X	
* Light equipment rental yards														X			X		1	1	1	1	X	
Liquor store													X	X		X	X						X	
Locker clubs													X	X			X						X	
Massage parlors													X	X			X						X	
Mills, planing																				X		X	X	
Mobile home parks							X	X		X	X												X	
Motor vehicle rental & sales (including auto- mobile, motor bike or cycle rentals, truck, trailer, camper, motorcycle, new or used sales, rentals or swap lots)													X	X		X					X	X	X	
Natural mineral resources development (& related uses)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Parking lots or structures (commercial)													X	X	X	X	X	X	X	X	X	X	X	
Pawnshops													X	X			X						X	
Petroleum products, manufacture or storage of																				X		X	X	
Poolrooms & billard parlors													X	X			X						X	
Pre-cast concrete structural shapes, manufacture of																				X		X	X	
Private security agency														X	X		X						X	
* Public buildings or lands owned and/or operated by Federal, State, County or City	X	X	X	X	X	X	X	X	X	X	X	X	X	X	1	X	X	1	1	1	1	1	1	
Public utility stations, yards, wells and similar facilities; electrical receiving and/or transforming stations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Race tracks (animal or auto), rodeos, fair- grounds and similar facilities			X	X	X	X	X							X			X	X	X	X	X	X	X	
Radio and television transmitters - commercial			X	X	X	X								X			X	X	X	X	X	X	X	

USE	ZONE																
	F	O	R	A	A	A	S	R	P	R	R	R	R	P	O	C	C
			A	2	5	0	P	1	D	2	3	T	C	C	P	1	2
Rap parlors													X		X		X
* Recreation facilities (private commercial)	1	X	X	X	X	X	X					X	X		X	X	X
* Residential care facilities in accordance with Welfare & Institutions Code § 5116			X	X	X	X	X	X		X	1						X
Riding and/or boarding stables, riding schools and related uses (minimum site area 2 acres)	X	X	X	X	X	X	X										X
Sanitary land fills	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
* Schools and colleges (public or private)	1						X	X	X	X	X	X	X	X	X		X
Secondhand stores												X	X		X	X	X
Self-service laundromats (non-attendant)												X	X		X	X	X
Sewage disposal plants			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Shooting gallery												X	X		X		
Signs over 35 feet			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Slaughter houses (poultry and rabbits)																X	X
Stone monument works																X	X
Storage tanks for combustible material (in excess of 1,000 gal.)																X	X
Swap lots													X		X		X
Tannery																X	X
Tattoo parlors													X		X		X
Theaters - open air, drive-ins													X		X		X
Theaters													X	X		X	X
Temporary mobile residence for agricultural or grove caretaker (see Sec. 1506.A)			X	X	X	X											X
Temporary trailer or equipment vans (see Section 1506.B)			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Trade and speciality schools													X	X	X	X	X
Warehouses - mini (self-service)															X	X	X
* Worm farms			1	1	1	1	X	X		X							X

Section 1506.A: MOBILE HOMES FOR AGRICULTURAL CARETAKERS.  
Conditional use permits approved to allow a temporary mobile home residence for an agricultural or grove caretaker shall have the following minimum requirements:

(1) The area must have a minimum area of 20 acres of contiguous land which may be under multiple ownership or lease.

(2) Use of the mobile home for residence of the temporary agricultural or grove caretaker shall be allowed only during the use of the land for agricultural purposes.

(3) The agricultural or grove caretaker shall be a bona fide employee of the owner or owners of the land for which the conditional use is applicable, employed for the main purpose of caretaker.

(4) The mobile home shall have provision for disposal of human and other liquid waste through connection to a sewer or to a septic tank installed pursuant to permit issued by the City of Oceanside.

(5) Installation of the mobile home shall be made in compliance with all federal and state laws and county and city ordinances applicable.

(6) The permit shall be granted for a maximum of five (5) years and shall be reviewed yearly by the Planning Director to determine whether the use permitted is carried out in compliance with conditions set forth in the conditional use permit. In the event it is determined that there is a failure to comply with the above conditions, the permit may be revoked by the Planning Commission after notice in writing given no less than ten (10) days prior to hearing by mail to the owners of the property subject to the conditional use permit at the last address shown on the last equalized tax assessment roll.

Section 1506.B: TRAILERS OR EQUIPMENT VANS.

(1) Temporary trailers or equipment vans will only be allowed for the use by financial institutions, industrial plants, public agencies or public utilities.

(2) Prior to the filing of a conditional use permit application, the applicant shall first obtain on the application the endorsement of the Building Official, that the use would be proper within the requirements of the Building Code of the City of Oceanside.

(3) Approval of this use shall be given on a one-year basis and a 6-month extension may be granted by the Planning Commission if it is necessary to complete arrangements for construction of a permanent structure to house the use.

(4) All utility services shall be connected in conformity to the City Building Code requirements.

(5) Sanitation facilities shall be connected to sewer or shall utilize a self-enclosed independent system unless toilet facilities are available to the applicant on the premises or the person by whom the work is performed.

(6) No living quarters will be allowed in the trailers or vans.



Section 1506.C: HIGH-RISE STRUCTURES.

(1) The Planning Commission shall determine from the evidence presented at the hearing that all of the following facts exist:

(a) The proposed building or structure at the particular location and under the proposed conditions of development has complied with good planning practices, including provisions for height, building bulk, yards, open space, lot coverage, grading and related public health, safety and convenience features, and will provide for the preservation of the general welfare of the community as if developed to the height limits imposed by the provisions of the appropriate zone.

(b) The proposed building or structure will comply with the regulations and conditions specified in the Building Code for such structures.

(c) The granting of an exception will not adversely affect any adopted plan of any governmental agency.

(2) The Planning Commission may modify or further restrict setback requirements, maximum height, off-street parking, and landscaping requirements upon a specific finding being made that it is necessary to provide for a more aesthetically pleasing project or necessary for the preservation of health, safety, peace or general welfare of persons living in or near the project.

Section 1506.D: EXPANDABLE HOMES. Expandable homes may be permitted subject to meeting the following criteria:

(1) This provision shall apply only to subdivisions of five or more lots.

(2) All exterior walls shall be completed as part of the initial construction.

(3) All necessary building and electrical permits will be required prior to the finishing of any unfinished room(s).

(4) All unfinished rooms shall be sealed off until completed.

(5) All plumbing shall be capped off.

(6) All electrical circuits shall be cut off at the panel.

(7) The Planning Commission may add additional requirements to insure adequate safety and compatibility to the existing neighborhood.

## ARTICLE 15.1

### TEMPORARY USE PERMITS

Section 1500.10: TEMPORARY USES APPROVED BY ACTION OF THE CITY COUNCIL. It is recognized that certain uses of a temporary nature involving large assemblies of people or automobiles are of primary legislative interest, and shall be governed by the issuance of temporary use permits by the City Council. Temporary Use Permits may be issued for the following uses within the specified zone provided that the operations permitted therein shall be for no more than eight (8) days:

- (a) Carnivals or circuses.
- (b) Religious revival meetings.
- (c) Rodeos with no permanent structures involved.
- (d) Air shows, including sky-diving performances.
- (e) The temporary establishment of trailer parks or camp sites for the use of trailer or camper clubs or caravans traveling together as a group provided that such group is organized in such a manner that an individual or board is empowered to assume responsibility for and enforce the conditions of said permit by the members of the group.

Section 1500.11: APPLICATION TO BE MADE TO CITY MANAGER. Applications for such permits shall be made to the office of the City Manager at least 14 days prior to the Council meeting at which the request is to be heard, and shall contain all the pertinent information including a map showing the area on which the permit is requested, the names of the organization and principals within the organization making the request, and the general nature of the use for which the request is made. No notice or publication shall be required prior to the Council hearing the request, and the granting, granting with conditions, or denial of such requests shall be discretionary with the Council.

## ARTICLE 16

### SPECIFIC PLANS - DEVELOPMENT PLANS

Section 1601: AUTHORITY FOR SPECIFIC PLANS. The Planning Commission may, or if so directed by the City Council shall, prepare specific plans based on the General Plan and drafts of such regulations, programs, and legislation as may in its judgment be required for systematic execution of the General Plan and the Planning Commission may recommend such plans and measures to the City Council for adoption.

Section 1602: SCOPE OF SPECIFIC PLANS. A specific plan need not apply to the entire area covered by the General Plan. The City Council or the Planning Commission may designate areas within the City for which the development of a specific plan is necessary or convenient to the implementation of the General Plan. The Planning Commission may, or if so directed by the City Council, shall prepare specific plans for such areas and recommend such plans to the City Council for adoption.

Section 1603: CONTENT OF SPECIFIC PLAN (GENERAL). Specific plans shall include all detailed regulations, conditions, programs, and proposed legislation which shall be necessary or convenient for the systematic implementation of each element of the general plan including, but not limited to, regulations, conditions, programs, and proposed legislation in regard to the following:

(a) The location of housing, business, industry, open space, agriculture, recreation facilities, educational facilities, churches and related religious facilities, public buildings and grounds, solid and liquid waste disposal facilities, together with regulations establishing height, bulk and setback limits for such buildings and facilities, including the location of areas, such as flood plains or excessively steep or unstable terrain, where no building will be permitted in the absence of adequate precautionary measures being taken to reduce the level or risk to that comparable with adjoining and surrounding areas.

(b) The location and extent of existing or proposed streets and roads, their names or numbers, the tentative proposed widths with reference to prospective standards for their construction and maintenance, and the location and standards of construction, maintenance and use of all other transportation facilities, whether public or private.

(c) Standards for population density and building density, including lot size, permissible types of construction, and provisions for water supply, sewage disposal, storm water drainage and the disposal of solid waste.

(d) Standards for the conservation, development, and utilization of natural resources, including underground and surface waters, forests, vegetation and soils, rivers, creeks, and streams and fish



and wildlife resources. Such standards shall include where applicable, procedures for flood control, for prevention and control of pollution of rivers, streams, creeks and other waters, regulation of land use in stream channels and other areas which may have a significant effect on fish, wildlife and other natural resources of the area, the prevention, control, and correction of soil erosion caused by subdivision roads or any other sources, and the protection of watershed areas.

(e) The implementation of all applicable provisions of the Open Space Element.

(f) Such other measures as may be necessary or convenient to insure the execution of the General Plan.

Section 1604: CONFORMANCE WITH SPECIFIC PLANS. Where a Specific Plan has been adopted as herein prescribed, no building permit may be issued on any parcel affected by such plan unless the application conforms to the specifications of the Specific Plan, and unless all public improvements within an existing or proposed public right of way specified therein have either been constructed, bonded, or included in an approved improvement district.

Section 1605: PLANNING COMMISSION ACTION.

(a) The recommendation of any specific plan or regulation, or of any amendment to a specific plan or regulation, shall be by resolution of the Planning Commission carried by the affirmative votes of not less than a majority of its total voting members.

(b) A copy of any specific plan, regulation, or amendment recommended shall be submitted to the legislative body and shall be accompanied by a statement of the Planning Commission's reasons for such recommendation.

(c) Specific Plans shall be processed in the manner prescribed for amendments to this ordinance, provided only that when no reclassification of property is involved in the adoption of a Specific Plan, such adoption may be by resolution.

Section 1606: CITY COUNCIL ACTION. Upon receipt of a copy of any proposed specific plan or regulation or amendment of such plan or regulation the legislative body may by ordinance or resolution adopt the plan or regulation. Before adopting the proposed specific plan or regulation, the legislative body shall hold at least one (1) public hearing. Notice of the time and place of said hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Planning Commission.

Section 1607: REFERRAL TO PLANNING COMMISSION. The legislative body shall not make any change or addition in any proposed specific plan, regulation, or amendment thereto recommended by the Planning Commission until the proposed change or addition has been referred to the Planning Commission for a report and a copy of the report has been filed with the legislative body. Failure of the Planning Commission to report within forty (40) days after the reference, or such longer period as may be designated by the legislative body,

shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such proposed change or addition.

Section 1608: INITIATION BY CITY COUNCIL. When it deems it to be for the public interest, the legislative body may initiate and adopt an ordinance or resolution establishing a specific plan or an amendment thereto. The legislative body shall first refer such proposal to establish such specific plan or amendment thereto to the Planning Commission for a report. Before making a report, the Planning Commission shall hold at least one public hearing. The Planning Commission shall report within 40 days after the reference, or within such longer period as may be designated by the legislative body. Before adopting the proposed plan or amendment, the legislative body shall hold at least one public hearing. Notice of the time and place of hearings held pursuant to this section shall be given in the time and manner provided for the giving of notice of hearings by the Planning Commission.

Section 1609: ADMINISTRATION OF SPECIFIC PLANS.

(a) No street shall be improved and no sewers or connections or other improvements shall be laid or authorized in any street within any territory for which the legislative body has adopted a specific street or highway plan until the matter has been referred to the Planning agency for a report as to conformity with such specific street or highway plan and a copy of the report has been filed with the legislative body unless one of the following conditions applies:

(1) The street has been accepted, opened, or has otherwise received the legal status of a public street prior to the adoption of the plan.

(2) It corresponds with streets shown on the plan.

(3) It corresponds with streets shown on a subdivision map or record of survey approved by the legislative body.

(4) It corresponds with streets shown on a subdivision map previously approved by the Planning Commission.

(b) No street shall be improved, no sewers or connections or other improvements shall be laid or public building or works including school buildings constructed within any territory for which the legislative body has adopted a specific plan regulating the use of open space land until the matter has been referred to the planning agency for a report as to conformity with such specific plan, a copy of the report has been filed with the legislative body, and a finding made by the legislative body that the proposed improvement, connection or construction is in conformity with the specific plan. Such report shall be submitted to the legislative body within forty (40) days after the matter was referred to the planning agency. The requirements of this section shall not apply in the case of a street which was accepted, opened, or had otherwise received the legal status of a public street prior to the adoption of the specific plan.



Section 1610: ADOPTION OF SPECIFIC PLAN FOR POTENTIAL ZONE CLASSIFICATIONS - CHANGE OF PROCEDURE. Where a parcel of land has been placed in a potential classification by the City Council and has so been designated on the official Zoning Map, the indicated potential classification may hereafter be finalized as a change of zone by the concurrent hearing and adoption of a Development Plan in lieu of a Specific Plan under provisions of Section 1611 (a-d) inclusive of this article and the Development Plan number, together with the new classification, shall constitute the Amendment to the Zoning Map.

In those cases where the City Council has approved certain specific plans prior to the effective date of this ordinance, all regulations and conditions contained in such specific plans, shall remain effective.

Section 1611: DEVELOPMENT PLANS.

(a) Required Development Plans. Concurrently with or after the establishment of certain zone classifications as specified in this Ordinance, an application for approval of a Development Plan shall be filed with the Planning Commission. A Development Plan may cover all or part of the property. In any zone, where a Development Plan is required, no building permit shall be issued for any new building or structure unless a Development Plan has been approved by the Planning Commission.

(b) Scope of Development Plan Application. The Development Plan application shall be accompanied by the following:

(a) The Development Plan which must include:

(1) The exact boundaries and legal description of the property to be developed.

(2) All proposed improvements that are to be constructed on the land and their precise locations including, but not limited to all residential and nonresidential structures, recreational facilities, walls and fences, trash areas, streets, and walk areas.

(3) If applicable, common open space showing size, grades, and function upon completion.

(4) The location and dimension of all off-street parking facilities, public and private.

(5) If applicable, the location and size of any public or quasi-public facilities such as schools, churches, and parks.

(6) A tabulation of the area of each structure and the percentage of total building coverage of the development.

(7) If applicable, a tabulation of densities within each project area or sector.

(b) Building elevations of typical architectural styles to be constructed.

(c) A schematic landscaping plan indicating all planted areas and open spaces. (Detailed landscaping plans indicating type, size and quantity of plant materials and irrigation system plans must be approved prior to issuance of a building permit.)



(d) Floor plans of typical dwelling units, the unit size in square feet, and the amount of private open space in square feet.

(e) If applicable, a subdivision map showing land divisions. The tentative and final subdivision map shall comply with the City Subdivision Ordinance and the State Subdivision Map Act.

(f) A proposed construction schedule from ground breaking to occupancy. All common open space, as well as public and recreational facilities, shall be specifically included in the construction schedule and shall be constructed and fully improved or bonded by the developer prior to occupancy of residential structures.

(c) Adoption of Development Plans.

(1) Any Development Plan may be rejected, adopted, modified and adopted, or adopted subject to conditions. A Development Plan after adoption may be amended in the same manner as first adopted hereunder.

(2) In the approval or rejection of a Development Plan, consideration shall be given and restrictions shall be imposed to the extent necessary, in view of the size and shape of the parcel and the present and proposed zoning and use of the subject property and the surrounding property, to permit the same degree of enjoyment of the subject property, but subject to the same degree of protection of adjoining properties, as would be accorded in normal circumstances by the standard restrictions imposed. The standard restrictions imposed in the various zones are intended as minimum restrictions necessary in normal circumstances to prevent substantial depreciation of property values in the vicinity, unreasonable interference with the use and enjoyment of property in the vicinity by the occupants thereof for lawful purposes and the protection of the public peace, health, safety and general welfare. "Normal circumstances" are intended to refer to the case of a permitted use upon a lot of a normal size and shape surrounded by property in the same zone as the lot in question.

(3) If the proposed Development Plan would substantially depreciate property values in the vicinity or would unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof for lawful purposes or would endanger the public peace, health, safety or general welfare, such plan shall be rejected or shall be so modified or conditioned before adoption as to remove said objections.

(4) Application for approval of a Development Plan or an amendment thereof shall be made in such form as the Planning Commission shall prescribe. The procedure set forth in Article 20 of the Zoning Ordinance shall apply to the processing and approval or rejection of proposed Development Plans and amendments thereof. All applications for Development Plans shall be heard by the Planning Commission, and their action shall be final unless appealed to the City Council under the manner as specified in Article 21. When a Development Plan is filed concurrently with an application for a zone change, the City Council shall have final approval.

(d) Modification of Development Plans. The Planning Director may approve by the endorsement on the approved Development Plan,

minor modifications in design which do not substantially alter the approved plan or the use permitted. Such minor modifications shall be reported to the authority which has approved the Development Plan.

## ARTICLE 17

### GENERAL PROVISIONS, DEVELOPMENT STANDARDS, CONDITIONS AND EXCEPTIONS

#### Setbacks, Height, Area, Landscaping

The purpose of this section is to establish certain development standards pertaining to setbacks, height limits, placement of buildings, etc. The development standards set forth are only minimum standards and shall not necessarily mean that the standards are the ideal standards for all developments.

Section 1701: FRONT YARD. The following minimum front yard setback requirements shall be met: (for special conditions and exceptions, see further provisions in this article).

(a) Every lot in the R-A, R-1, R-2, R-3 and SP zones shall maintain a front yard setback of 20 feet.

(b) Every lot which allows apartment development and is located west of Interstate 5 shall have a minimum front yard setback of not less than 15 feet.

(c) Every lot in the O-P and R-C zones shall maintain a front yard setback of not less than fifteen (15) feet.

(d) Every lot in the C-1 zone shall maintain a front yard setback of not less than ten (10) feet. At least 60 percent of any required front yard setback shall be landscaped under the provisions of Article 17, Section 1731.

(e) (1) A minimum five (5) feet deep landscaped setback area shall be provided on any C-2 zoned lot with the exception of those areas which are used as driveways.

(2) All lots fronting on Mission Avenue shall maintain a 50 feet setback from the centerline of the street.

(3) Lots located between Wisconsin Street and Monterey Drive and fronting on Hill Street shall maintain a 45 feet setback from the centerline of Hill Street.

(4) Lots located on Hill Street between Wisconsin Avenue and the southern City limits shall maintain a 50-foot setback from the centerline of Hill Street.

(5) Additional setbacks and landscaping may be required by the Planning Commission as a condition of approval of a Development Plan.

(f) Every lot in the M-1 zone shall maintain a minimum front yard setback equal to the height of the primary structure on the lot but in no case shall such setback be less than 15 feet. At least 60% of any required front yard shall be landscaped under the provisions of Section 1731.

(g) Every lot in the M-2 zone shall maintain a front yard setback of not less than 10% of the average lot depth but need not exceed 25 feet. At least 50% of any required front yard setback shall be landscaped under the provisions of Article 17, Section 1731.

Section 1702: SIDE YARDS. The following minimum side yard setback requirements shall be met: (for special conditions and exceptions, see further provisions in this Article).



(a) Interior lots in the R-A, R-1, R-2, R-3 and SP zones shall have a minimum side yard setback of not less than 10 percent of the width of the lot provided that such side yard setback shall not be less than three (3) feet and need not exceed five (5) feet.

(b) Corner lots in the above zones shall have a minimum side yard setback of 10 feet on the side that is adjacent to the street.

(c) One zero (0) side yard setback is allowed in the above zones provided that the opposite side yard setback has at least ten (10) feet and further provided that all appropriate provisions of the Uniform Building Code are met.

(d) Side yard setbacks are not required for lots located in the O-P, C-1, C-2 and R-C zones except that corner lots shall maintain a minimum side street side yard of ten (10) feet and further provided that any lot used for residential purposes shall maintain a side yard setback as defined in 1702 (a) and 1702 (b).

(e) (1) Interior lots - Side yard setbacks are not required for lots located in the M-1 zone unless specified in a development plan.

(2) Corner lots - The minimum side yard setback for lots in the M-1 zone shall be ten (10) feet. At least 60% of this required setback shall be landscaped under the provisions of Section 1731.

(f) (1) Interior lots - Side yard setbacks are not required for lots located in the M-2 zone unless specified by Development Plan.

(2) Corner lots - Corner lots in the M-2 zone shall have a minimum side yard setback of 10 feet. At least 50% of any such required side yard shall be landscaped under provisions of Section 1731.

Section 1703: REAR YARDS. The following minimum rear yard setbacks shall be met: (for special conditions and exceptions see further provisions in this Article).

(a) Every lot in the R-A, R-1, R-2, R-3 and SP zones shall have a minimum rear yard setback of fifteen (15) feet except for those lots which rear upon an alley in which case the minimum rear yard setback shall be five (5) feet.

(b) Rear yard setbacks are not required for lots located in the O-P, C-1, R-C and C-2 zones. All lots in the above zones which abut lots zoned for residential purposes shall maintain a rear yard setback of not less than 15 feet except when such lots rear upon an alley, a minimum rear yard setback of five (5) feet shall be maintained.

(c) (1) Interior lots - Rear yard setbacks are not required for lots located in the M-1 zone.

(2) Every through lot in the M-1 zone shall maintain a minimum rear yard setback equal to the height of the primary structure on the lot. A minimum of 10 feet depth of this setback area adjacent to the property line, except for driveway areas, shall be landscaped under the provisions of Section 1731. The remaining required setback area may be used for off-street parking.

(d) Rear Yard - No minimum rear yards are necessary for lots in the M-2 zone except as required by Development Plan.

Section 1704: LOT SIZE.

(a) The minimum required area of a lot in the R-1, R-2 and R-3 zones shall be not less than 6,000 square feet unless otherwise shown on the zoning map.

(b) The minimum required area of a lot in the R-A zone shall be not less than one (1) acre unless shown otherwise on the zoning map.

(c) The minimum required area of a lot in the O-P and R-C zone shall not be less than 10,000 square feet unless shown otherwise on the zoning map.

(d) The minimum required area of a parcel in the C-1 zone shall be not less than 2 acres unless otherwise shown on the zoning map.

Section 1705: DENSITY - LOT AREA PER DWELLING UNIT.  
Provisions of Article 4 - Section 403, Article 5 - Section 503, Article 6 - Section 607, and Article 7 - Section 703 shall apply.

Section 1706: LOT WIDTH. (for special conditions and exceptions see further provisions in this Article).

(a) In the R-A and R-1 zones, every lot created after the effective date of this ordinance shall have a minimum lot width as follows:

Lots designated on the zoning map as requiring a minimum lot area between:

0 to 9,999 square feet - 60 foot lot width  
10,000 to 14,999 square feet - 70 foot lot width  
15,000 to 19,000 square feet - 100 foot lot width  
20,000 and over square feet - 125 foot lot width

(b) Lots in the R-2 and R-3 zones created after the effective date of this ordinance shall maintain a lot width of not less than sixty (60') feet at the rear line of the required front yard.

(c) Corner lots - Corner lots in any zone shall have a minimum lot width of seventy (70').

(d) Cul-de-sacs - Lots located on a cul-de-sac shall have a minimum lot width at the front property line of forty (40') feet.

(e) Curved street sections - Lots located on a curved street section shall have a minimum lot width at the front property line of forty-five (45') feet.

(f) Lots in the O-P zone shall maintain a minimum lot width of not less than seventy (70) feet unless otherwise shown on the zoning map.

(g) Lots in the R-C zone shall maintain a minimum lot width of 100 feet for any new lots created after the effective date of this ordinance. This provision shall not be applicable to any lot or combination of existing lots having a lot width less than 100 feet.

(h) Lots in the M-1 zone shall maintain a minimum lot width of 100 feet for any new lot created after the effective date of this ordinance.

(i) Lots in the M-2 zone shall maintain a minimum lot width of 100 feet for any new lot created after the effective date of this ordinance.

Section 1707: MAXIMUM LOT COVERAGE.

(a) All buildings in the R-A and R-1 zones including accessory buildings and structures shall not cover more than 40 percent of the area of the lot.

(b) All buildings in the R-2 zone including accessory buildings and structures shall not cover more than 50 percent of the area of the lot.

(c) All buildings in the R-3 and O-P zones including accessory buildings and structures shall not cover more than 60 percent of the area of the lot.

Section 1708: LOT DEPTH. (for special conditions and exceptions, see further provisions in this Article).

All lots in the R-A, R-1, R-2, R-3, R-T, O-P, R-C and SP zones shall have a minimum depth of 100 feet unless modified by the Planning Commission or City Council.

Section 1709: HEIGHT. For purposes of determining the height of a building, the average finished grade of the parcel on which the building is located shall be used. The maximum height permitted shall be as follows except as provided in Sections 1733, 1502 and 1502-4.

(a) No building or structure located in the R-A, R-1, R-2, PRD and SP zones shall exceed a height of 35 feet or two stories, whichever is less.

(b) No building used for residential purposes in the R-3, O-P, R-T, R-C, PRD, and SP zones shall exceed a height of 35 feet or three stories.

(c) No building or structure in the R-C, C-1, C-2, C-M, M-1, M-2 or PC zones shall exceed a height of forty-five (45) feet or four (4) stories.

Section 1710: PLACEMENT OF BUILDINGS. Placement of buildings on any lot shall conform to the following:

(a) No building shall occupy any portion of a required yard.

(b) The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings shall be ten (10) feet.

(c) A nondwelling accessory building may be built to the rear lot line and to one side lot line only within the rear 40 percent of the lot provided to where a lot rears upon an alley, the building shall maintain a distance of not less than five (5) feet from the rear lot line.

(d) On a reversed corner lot an accessory building may be built to the interior side lot line when located to the rear of the required side yard, but no building shall be erected closer to the property line of any abutting lot to the rear than the equivalent of the required interior side yard on such reversed corner lot, and further provided that if such reversed corner lot rears upon an alley, an accessory building shall maintain a distance of five (5) feet from the rear lot line.



Section 1711: HEIGHT OF BUILDINGS ON THROUGH LOTS. On through lots one hundred and fifty feet or less in depth, the height of a building on such lot may be measured from the sidewalk level of the street on which the building fronts. On through lots more than one hundred fifty feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty feet from that street.

Section 1712: YARD REGULATIONS. Except as provided in this Article, every required yard shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or open space on any adjoining property shall be considered as providing a yard or open space on a building-site whereon a building is to be erected.

Section 1713: MODIFICATION OF SIDE YARD REQUIREMENT ON CORNER LOTS. When the common boundary line separating two contiguous lots is covered by a building or permitted group of buildings, such lots shall constitute a single building-site and the yard spaces as required by this ordinance shall then not apply to such common boundary line.

Section 1714: YARD REQUIREMENTS WHEN MORE THAN ONE MAIN BUILDING EXISTS. Where two or more buildings are, by definition of this ordinance, considered main buildings, then the front yard requirement shall apply only to the building closest to the front lot line.

Section 1715: COMMISSION MAY ESTABLISH FORMULA FOR MODIFYING YARD REQUIREMENTS. The Planning Commission may, by resolution, adopt a formula or establish standard practices by which to determine appropriate setbacks for high-rise structures and may modify required yards in all zones where geometric shape, dimensions, and topography are such as to make the literal application of such required yards impractical. After the adoption of such formula or standard practices, they shall be applied as an administrative act.

Section 1716: MODIFICATION OF REQUIRED FRONT YARDS. The depth of required front yards may be modified on unimproved lots between lots having non-conforming front yards. A non-conforming front yard shall mean an area between the front lot line and the closest part of the main building having a depth less than the required front yard.

1. The rear line representing the depth of a modified front yard on any lot shall be established in the following manner:

a. A point shall be established on each improved or unimproved lot having a non-conforming or conforming front yard between which are located lots needing adjustment, and such point shall be located at the intersection of the rear line of such front yard with a line that constitutes the depth of the lot.

b. A straight line shall be drawn from such point across any intervening unimproved lot or lots, to a point similarly established on the next lot in either direction on which a main building exists which establishes a conforming or non-conforming front yard.

The depth of the modified front yard on any lot traversed by the straight line defined in item (b) above shall be established by the point where said straight line intersects the line constituting the depth of each such intervening lot.

c. Where the elevation of the ground at a point 25 feet from the front property line and midway between the side property lines differs more than five feet from the average grade elevations of the street level, or when the slope (measured in the general direction of the side lot lines) is 20 percent or more on at least one-fourth of the depth of the lot, the front yard may be reduced one foot for each foot of difference in elevation, provided the total reduction shall not exceed 50 percent of the required depth. These modifications do not apply where over 75 percent of the difference in elevation occurs within five feet of the front lot line.

Section 1717: YARD REQUIREMENTS FOR PROPERTY ABUTTING HALF-STREETS. A building or structure shall not be erected or maintained on a lot which abutts a street or highway having only a portion of its required width dedicated and where no part of such dedication would normally revert to said lot if the highway were vacated unless the yards provided and maintained in connection with such building or structure have a width or depth of that portion of the lot needed to complete the road width, plus the width or depth of the yards required on the lot by this ordinance if any. This section applies to all zones and whether or not yards are required.

This section does not require a yard of such width or depth as to reduce the buildable width of a corner lot to less than forty feet.

Section 1718: MEASUREMENT OF FRONT YARDS. Front yard requirements shall be measured from the front property line or the indicated right-of-way line of a street for which a precise plan exists.

Section 1719: VISION CLEARANCE, CORNER AND REVERSED CORNER LOTS. All corner lots and reversed corner lots subject to yard

requirements shall maintain for safety vision purposes a triangular area, one angle of which shall be formed by the front and side lot lines separating the lot from the streets, and the sides of such triangle forming the corner angle shall each be fifteen feet in length, measured from the aforementioned angle. The third side of said triangle shall be a straight line connecting the last two mentioned points which are distant fifteen feet from the intersection of the front and side lot lines, and within the area comprising said triangle no tree, fence, shrub, or other physical obstruction higher than forty-two inches above the established grade shall be permitted.

Section 1720: PERMITTED INTRUSIONS INTO REQUIRED YARDS.  
The following intrusions may project into any required yard, but in no case shall such intrusion extend more than two feet into such required yards nor closer than 30 inches from the lot line, whichever is more restrictive.

1. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
2. Fireplace structures not wider than eight feet measured in the general direction of the wall of which it is a part.
3. Open stairways, balconies, and fire escapes.
4. Uncovered porches and platforms which do not extend above the floor level of the first floor, provided that they may extend six feet into the front yard.
5. Planting boxes or masonry planters not exceeding forty-two inches in height.
6. Guard railings for safety protection around ramps.

On lots with side or rear yards adjoining alleys, the rear and side yard requirements shall not be applicable to apartments and dwellings constructed so as to constitute a second story over garages, provided that only those yards which are immediately adjacent to the alley are affected by this section.

Section 1721: MAXIMUM HEIGHT OF WALLS, FENCES, OR HEDGES.

- a. In any "R" Zone a wall, fence, or hedge forty-two inches in height may be located and maintained on any part of a lot. On an interior lot a wall, fence or hedge not more than six feet in height may be located anywhere on the lot to the rear of the rear line of the required front yard. On corner lots and reversed corner lots a six foot fence may be located anywhere on the lot except in those areas comprising the required front yard or the required side yards on the side street side of such lots.
- b. The provisions of this Section shall not apply to fences required by State Law to surround and enclose utility installations.



(c) Where a retaining wall protects a cut below the natural grade, and is located on the line separating lots, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

(d) Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge, providing that in any event a protective fence or wall not more than forty-two inches in height may be erected at the top of the retaining wall.

(e) Required Walls. When any use other than a residential use is placed on a lot abutting property in any R zone, there shall be erected and maintained along such abutting property line a block, stone, brick, stucco or concrete wall at least six (6) feet in height, except in a required front yard setback, where the height shall be 42 inches.

Section 1722: HEIGHT OF TREES, SHRUBS, AND FLOWERS. Shrubs, flowers, plants, or hedges not more than forty-two inches in height are permitted in the required front and side street side yards. Trees are permitted in any required yard except as provided in Section 1717.

Section 1723: REQUIRED INCREASE OF SIDE YARD WHERE MULTIPLE OR ROW DWELLINGS FRONT UPON A SIDE YARD. The minimum width of the side yard upon which a primary entrance to a dwelling unit is provided shall be no less than ten feet.

Section 1724: REQUIRED INCREASE OF SIDE YARD WHERE MULTIPLE OR ROW DWELLINGS REAR UPON A SIDE YARD. Where two-family dwellings or multiple-family dwellings, group houses, court apartments or row dwellings are arranged so that the rear of such dwellings abut upon the side yards, and such dwellings have openings onto such side yards used as secondary means of access to the dwellings, the required side yards to the rear of such dwellings shall be increased by one foot for each dwelling unit having such an entrance or exit opening into or served by such yard, provided such increase need not exceed five feet.

Section 1725: DIVISION OF THROUGH LOTS. Through lots one hundred eighty feet or more in depth may be improved as two separate lots, with the dividing line midway between the street frontages, and each resulting one-half shall be subject to the controls applying to the street upon which such one-half faces. If each resulting one-half is below the minimum lot area as determined by this ordinance, then no division may be made and only one single-family dwelling may be erected upon such lot. If the whole of any through lot is improved as one building site, the main building shall conform to the zone classification of the frontage occupied by such main building, and no accessory building shall be located closer to either street than the distance constituting the required front yard on such street.

Section 1726: GREATER LOT AREA MAY BE REQUIRED. Greater lot areas than those prescribed in the various zones may be required

when such greater areas are established by the adoption of a specific plan in the manner prescribed by law, designating the location and size of such greater required areas.

Section 1727: SUBSTANDARD LOTS.

- a. When a lot has less than the minimum required area or width as set forth in any of the zones contained herein, or in a specific plan, and was of record on the effective date of this ordinance, such lot shall be deemed to have complied with the minimum required lot area or width as set forth in any such zone or specific plan. The lot area per dwelling unit shall, however, remain as specified in the applicable zone except that in no case shall this provision prevent the erection of a single-family dwelling on any substandard lot.
- b. Excess parcels of land created as a result of freeway or street construction or widening shall be deemed buildable lots providing each parcel has a minimum of 2,500 square feet.

Section 1728: PARKING OF TRAILERS OUTSIDE OF TRAILER PARKS.

It shall be unlawful for any person to place for storage or to park for more than 48 consecutive hours a trailer, detached camper, or mobile home in the front of a residential building or within the required yard of any lot in any zone as established by the terms of this ordinance. All such vehicles parked or stored outside of the boundaries of a duly licensed trailer park shall be completely disconnected from any and all utilities, and no living quarters shall be maintained or business practiced in any such stored vehicle or detached camper, provided, however, that the Building Department may issue permits for the parking and use of not more than two trailers on a major construction site when such vehicles are used for field offices or temporary quarters for watchmen. Parking under the provisions of this exception shall be limited to not more than nine (9) consecutive months on any one site unless an extension of such time limit is specifically authorized by the City Council.

Section 1729: MECHANICAL EQUIPMENT. All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be placed behind a permanent parapet wall or screen of approved weatherproof material to be approved by the Director of Building and Housing and shall be completely restricted from all view. Such screening shall be as high as the highest portion of the equipment or ducting and shall be permanently maintained.

Section 1730: REFUSE STORAGE. All outdoor trash, garbage, and refuse storage shall be screened on all sides from public view. Such areas shall be so located as to be easily accessible for trash pick up. In multiple family residential development centralized trash areas shall not be located further than 150 feet away from any dwelling unit. The refuse storage area dimension

shall be five (5) feet high, six (6) feet deep, and eight (8) feet wide and shall be constructed of decorative concrete block or masonry walls. Gates shall be mounted on the face of the storage area so that they swing fully open with no protrusion into the roll-out path of the bin and shall be constructed of durable wood or comparable materials.

Section 1731: LANDSCAPING REQUIREMENTS. All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways, and recreational facilities shall be landscaped. A minimum of 60 percent landscaping shall be provided within the required front and side street side yard setback areas, respectively. All landscaped areas shall have a permanent irrigation system providing 100 percent coverage.

1. General Provisions

a. No planting area shall be less than 24 square feet with the exception of raised planter boxes around or in close proximity to buildings.

b. At least one tree of a species approved by the Parks and Recreation Department shall be installed for every 10 single row parking stalls or every 20 double row parking stalls within the parking lot.

c. Landscaping shall consist of combinations of trees, shrubs, and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

d. Each unused space resulting from the design or layout of parking spaces or accessory structures shall be used for planting purposes if over 24 square feet.

e. All planted areas shall contain a permanent irrigation system and shall be enclosed by a six (6") inch high concrete curb. Where planter areas abutt a sidewalk or cement concrete driveway, no curb shall be required.

f. The landscaping plan shall be drawn to a minimum scale of 1-inch for each 50 feet; shall indicate the square footage of each planting area; shall tabulate the square footage of all landscaped areas and percentage of the total site devoted to landscaping; shall identify at the planting area the type of plant; shall list the botanical and common names of all plants with the quantity of each and their container size; and shall clearly portray the permanent irrigation system.

2. Parking Areas in R-3 and R-P Zones. Every parking area established in an "R" zone to be used as an accessory to a commercial establishment or for the renting of spaces shall:



a. Provide and maintain landscaping in any portion of the public right of way abutting the property that is not being used for sidewalks, curbs, or street paving.

b. Devote at least 15 percent of the area of the lot within the boundaries to the planting and maintenance of trees, shrubs, plants, or lawn.

3. Parking Areas in Commercial and Industrial Zones. A minimum of 8 percent of the total net area (which net area shall be computed by excluding streets) of the development shall be landscaped. Approximately one-half of such landscaped area shall be generally dispersed throughout the parking lot with the remainder distributed as planted areas around buildings, peripheral planters around the site, parkways, street tree wells, and other appropriate locations.

Section 1732: MAINTENANCE STANDARDS. The maintenance standards shall be followed in upkeep of the landscaped areas after they have been developed and planted.

1. Growth Control. All plant growth in required landscaped areas shall be controlled by pruning, trimming or otherwise, so that the plant material will not:

a. Interfere with the installation, maintenance and repair of any public utilities.

b. Restrict pedestrian or vehicular access.

c. Constitute a traffic hazard.

2. Cultivation and Watering. All planted areas shall be watered sufficiently to promote vigorous growth of all trees, shrubs and ground cover plants. Planted areas shall be maintained in a relatively weed-free condition. All plantings shall be periodically pruned, trimmed, edged and fertilized in accordance with generally accepted horticultural practices.

3. Replanting. All trees, shrubs and plants which have been planted and which, due to accident, damage, disease, or other cause, fail to show a healthy growth, shall be replaced. Replacement plants shall conform to all standards that govern the original planting installation.

Section 1733: BUILDING HEIGHT LIMIT - EXCEPTIONS.

No buildings or structures shall be hereafter erected or enlarged unless all the height regulations for the zone in which it is to be located are complied with. No buildings shall be erected or enlarged unless the building or portion enlarged complies with all of the height regulations for the zone in which it is located, with the following exceptions:

Penthouses or roof structures for the housing of elevators, stairways, ventilating fans, air conditioning or similar equipment required to operate and maintain the building, fire or parapet walls, sky lights, towers, church steeples, flag poles, chimneys, antennas and similar structures may be erected above the height limits herein prescribed; provided that the same may be safely erected and maintained at such height, in view of the surrounding conditions and circumstances, but no penthouses or roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space.

Section 1734: CLARIFICATION OF AMBIGUITY. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this ordinance, or if ambiguity exists with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes in methods of operation in processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and by Resolution of record set forth its findings and its interpretations, and such resolution shall be forwarded to the City Council and, if approved by the City Council, thereafter such interpretation shall govern.

## ARTICLE 18

### Nonconforming Uses and Structures

Section 1800: PURPOSE. The purpose of this Article is to establish procedures for the continuance or abatement of existing uses and structures which do not conform to the provisions of the Zoning Ordinance and which may be detrimental to the orderly development of the City and adverse to the general welfare of persons and property.

Section 1801: DEFINITIONS. For purposes of this Article, the following definitions of nonconformity shall apply:

(1) Nonconforming Structure. Shall mean any structure legally constructed or established which fails to conform to the regulations of this ordinance, other than use regulations, for the district in which it is located by reason of the adoption of this ordinance or any amendment hereto or by reason of annexation of territory to the City. Structures not legally established, which fail to conform to the provisions of this ordinance, shall be deemed to be illegal structures.

(2) Nonconforming Use. Shall mean a use legally established and existing which fails to conform with the use regulations of the district in which located by reason of the adoption of this ordinance, or any amendment thereto, or by reason of annexation of territory to the City. Uses not legally established, which fail to conform to the provisions of this ordinance, shall be deemed to be illegal uses.

(3) Nonconforming Lot. A nonconforming lot means a lot or portion thereof which was legally subdivided but which because of changes to the subdivision or Zoning Ordinance does not conform to lot width, depth or area requirements of the zone in which it is located.

(4) Abatement. Abatement means complete removal or alteration to conform to the provisions of the Zoning Ordinance.

Section 1802: NONCONFORMITY RESULTING FROM RECLASSIFICATION, CHANGE OF ORDINANCE OR ANNEXATION. Uses, building, structures or lots which become nonconforming due to reclassification, ordinance changes, or annexations may be continued subject to the provisions of this Article.

Section 1803: DETERMINATION OF NONCONFORMITY. The Director of Planning shall determine the nonconformity of any use, building, structure, or lot. Any use, building, structure, or lot found to be inconsistent with the provisions of the Zoning Ordinance shall be deemed to be nonconforming except that any building, structure, or lot which, by reason of height, area, or yard requirements, is conforming prior to the effective date of this Zoning Ordinance or any amendment thereto, shall be deemed to be conforming, provided further that any additions, alterations or changes shall conform to all provisions of the Zoning Ordinance.



Section 1804: NONCONFORMING USE OF LAND WHEN NO STRUCTURE INVOLVED. In any zone the nonconforming use of land wherein no structure is involved shall be abated within one year from the date this ordinance becomes effective, and any future use of such land shall conform to the provisions of this ordinance. If the nonconforming use of land existing at the time this ordinance takes effect is thereafter discontinued for six months or more, any future use of such land shall conform to the provisions of this ordinance.

Section 1805: ABATEMENT PERIOD FOR NONCONFORMITY. Uses, buildings, or structures determined to be nonconforming shall be abated within the time limits specified by the Planning Commission. Such abatement period shall not be less than three (3) years nor longer than twenty-five (25) years from the date of determination of nonconformity.

Section 1806: ABATEMENT OF NONCONFORMING USE OF A CONFORMING BUILDING. Nonconforming uses of a conforming building or structure shall be discontinued within the time limits specified by the Planning Commission but shall not exceed the following maximum time limits:

- (1) Residential zones: five (5) years.
- (2) Office-Professional and Commercial zones: ten (10) years.
- (3) Industrial zones: ten (10) years.

Section 1807: ABATEMENT OF NONCONFORMING BUILDINGS OR STRUCTURES. The abatement period of nonconforming buildings or structures in any zone shall be established by the Planning Commission provided that the maximum time limit for abatement of any nonconforming structure shall not exceed twenty-five (25) years.

Section 1808: TERMINATION OF NONCONFORMING STATUS. A nonconforming use or structure shall conform to the regulations of the district in which such property is located when one or more of the following events occur:

- (1) Expiration of the period of time provided in the resolution establishing the conditions of abatement and the abatement period.
- (2) Interruption or termination of the nonconforming use or structure for a period of six (6) consecutive months.
- (3) A change, expansion, enlargement or intensification of any use or the addition of a new use of the property not specifically named or described in the resolution establishing the abatement period.

Section 1809: RECONSTRUCTION OF NONCONFORMING BUILDING PARTIALLY DESTROYED. A nonconforming building destroyed to the extent of no more than fifty (50%) percent of its replacement value at the time of its destruction by fire, explosion or other casualty

or Act of God, or the public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction may be continued subject to all other provisions of this Article.

Section 1810: COMMISSION TO DETERMINE CONDITIONS OF ABATEMENT. When a determination of nonconformity has been made by the Planning Director, he shall schedule a public hearing by the Planning Commission to establish the conditions of abatement and the abatement period.

Section 1811: HEARING, NOTICE. Notice of said hearing shall be given as required for proposed rezonings of property.

Section 1812: HEARING, EVIDENCE. The Commission shall consider at the public hearing all pertinent data to enable it to arrive at an equitable abatement period which will protect the public welfare yet will allow the owner of record, or lessee if there be such, to amortize his investment so that any loss will be minimized.

Said owner or lessee shall be allowed to present such evidence as he may possess and which may relate to the case.

The Commission shall take into consideration any structural alterations or enlargements, or the installation of major equipment designed into the building prior to the date of nonconformity when setting the abatement period.

Section 1813: HEARING, DECISION. After the close of the public hearing, the Planning Commission shall determine and establish by resolution the abatement period, and shall set forth in said resolution all findings and facts upon which the date of such abatement is based.

Section 1814: DECISION, NOTICE TO OWNER. The Secretary of the Planning Commission shall formally notify the owner of such nonconforming property of the action of the Commission by mailing to such owner a copy of the resolution not later than ten (10) days following the date of its adoption by the Planning Commission.

Section 1815: APPEAL. The above action of the Planning Commission shall be final unless an appeal is taken to the City Council in accordance with the procedure provided in Sections 2115 - 2121 of this ordinance.

Section 1816: RECORDATION. The Secretary of the Planning Commission shall transmit a copy of the resolution of the Commission or Council, whichever is final, to the County Recorder of San Diego for recordation.





## ARTICLE 19

### VARIANCES

Section 1900: PURPOSE. When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this ordinance result through the strict and literal interpretation and enforcement of the provisions hereof, the Planning Commission shall have authority, as an administrative act, subject to the provisions of this Article, to grant upon such conditions as it may determine, such variance from the provisions of this ordinance as may be in harmony with its general purpose and intent, so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done.

The sole purpose of any variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone.

Section 1901: REQUIRED SHOWINGS FOR VARIANCE. Prior to the granting of any variance it shall be shown

(a) That there are special circumstances applicable to the property because of size, shape, location, topography, easements, or surroundings that, with the strict application of the terms of the ordinance, deprives such property of rights enjoyed by other property in the vicinity and in the same zone classification.

(b) That the granting of the variance will not constitute a special privilege to the property.

(c) That the granting of the variance will not adversely affect any Specific Plan, Precise Plan, or General Plan adopted or being studied for the area.

(d) That the granting of the variance will not be materially detrimental or injurious to the surrounding property nor to the general development pattern of the neighborhood."

Section 1902: FILING PROCEDURES, HEARINGS, NOTICES, FEES. Filing procedures, hearings, notices and fees set forth in Article 21, 2100-2123, shall apply to the processing approval or rejection of the variances.



## ARTICLE 20

### ZONING ORDINANCE AMENDMENTS AND ZONE RECLASSIFICATIONS

Section 2000: ORDINANCE MAY BE AMENDED. Boundaries of the zones established by this ordinance, the classification of property uses therein or other provisions of this ordinance may be amended whenever public necessity, convenience and general welfare require.

Section 2001: INITIATION OF AMENDMENT. Amendments to this ordinance may be initiated by:

- (a) The verified application of one or more owners of property proposed to be changed or reclassified.
- (b) Resolution of Intention by the City Council.
- (c) Resolution of Intention of the Planning Commission.

Section 2002: APPLICATION FOR AMENDMENT. Whenever the property owner desires an amendment, supplement to, or change of the regulations prescribed for his property, he shall file with the Planning Commission an application therefor, verified by him, requesting such amendment.

Section 2003: COMMISSION TO HOLD HEARING ON AMENDMENTS. Upon the filing of a verified application for an amendment, or the adoption of a Resolution of Intention by the Planning Commission or the City Council, the Planning Commission shall hold one public hearing thereon, as required by Chapter 4, Title 7 of the Government Code, commonly known as the Planning and Zoning law of the State of California, and notice of such hearing shall be given as provided in Article 21 of this ordinance.

Section 2004: TIMES FOR HEARING. When the City Council has requested the Planning Commission to study and report upon a zoning ordinance or amendment and the Planning Commission fails to act upon such request within a reasonable time, the City Council may, by written notice, require the Planning Commission to render its report within 40 days. Upon receipt of the written notice, the Planning Commission, if it has not done so, shall conduct a public hearing as provided in Section 2003. Failure to report to the City Council within the above time period shall be deemed to be approval of the proposed zoning ordinance or amendment to a zoning ordinance.

Section 2005: NOTICE. Notice of time and place of public hearings shall be given pursuant to applicable provisions of Article 21.

Section 2006: COMMISSION TO ANNOUNCE FINDINGS. The Planning Commission shall announce its findings by formal resolution not more than fifteen (15) days following the hearing, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the approval or denial of the



zoning ordinance or amendment necessary to carry out the general purpose of this ordinance and the relationship of the proposed ordinance or amendment to applicable general and specific plans.

Section 2007: NOTICE OF COMMISSION'S DECISION WHEN APPROVING. When the Commission's action is to recommend the adoption of the zoning ordinance or amendment, the Commission shall, within 15 days from the date of such action, notify the applicant by forwarding a copy of the resolution to the applicant at the address shown upon the application, and shall forward to the City Council a copy of the said resolution, together with the complete case file.

Section 2008: NOTICE OF DECISION OF COMMISSION WHEN DENYING THE APPLICATION. When the action of the Commission is to deny an application, the Commission shall, within 15 days from the date of the adoption of its resolution, notify the applicant by forwarding a copy of the resolution to the address shown on the application.

Section 2009: COMMISSION ACTION SHALL BE FINAL WHEN DENYING APPLICATION. The action of the Planning Commission denying an application for amendment shall be final and conclusive unless within twenty (20) days following the adoption of the resolution by the Planning Commission an appeal in writing is filed with the City Council by an interested party.

Section 2010: TRANSMISSION OF COMMISSION'S RECORD TO CITY COUNCIL. Upon receipt of a written appeal filed with the City Council by the applicant, as provided in this Article, the Clerk of the City Council shall advise the Secretary of the Planning Commission who shall transmit to said Clerk of the City Council the Planning Commission's complete record of the case.

Section 2011: CITY COUNCIL TO HOLD PUBLIC HEARING ON COMMISSION'S RECOMMENDATIONS OF AMENDMENTS AND ON APPEALS. Within thirty (30) days following receipt of the Resolution from the Planning Commission recommending the adoption of the amendment or the filing of a written appeal from an order of the Commission denying an application for amendment as provided in this article, the City Council shall conduct a duly advertised public hearing on the matter, public notice of which shall be given as provided in Article 21.

Section 2012: ADVERSE DECISION TO BE REFERRED TO THE PLANNING COMMISSION. The City Council may approve, nodify, or disapprove the recommendation of the Planning Commission; provided that any modification of the proposed ordinance or amendment by the City Council not previously considered by the Planning Commission during its hearing, shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference, or such longer period as may be designated by the City Council shall be deemed to be approval of the proposed modification.

Section 2013: CITY COUNCIL TO ANNOUNCE FINDINGS AND DECISION BY RESOLUTION. The City Council shall announce its findings and decisions by formal resolution not more than twenty (20) days following the termination of proceedings of the hearing or upon receipt of a report from the Planning Commission when a matter has been referred back to the Planning Commission, and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the City Council, make the approval or denial of the application for the amendment necessary to carry out the general purpose of this ordinance.

Section 2014: DECISION OF THE CITY COUNCIL SHALL BE FINAL. The action by the City Council on the application for amendment shall be by a majority vote of the City Council and shall be final and conclusive.

Section 2015: WITHDRAWAL OR APPEAL. The Planning Commission or the City Council in their discretion may permit the withdrawal of any amendment or appeal. The Planning Commission or the City Council may abandon any proceeding for an amendment or rezoning initiated by itself. Withdrawal of any petitions or appeal shall terminate all proceedings in reference thereto.

Section 2016: RENEWAL OF PETITION. If a rezoning is denied, another petition for the same rezoning on the same property or portions thereof, shall not be accepted by the City within a one-year period unless specific approval for such filing is given by the Planning Commission or City Council.





## ARTICLE 21

### PROCEDURES, HEARINGS, NOTICES AND FEES

Section 2100: APPLICATION PROCEDURE FOR ORDINANCE AMENDMENTS, ZONE CHANGE OR RECLASSIFICATION, SPECIFIC PLANS, DEVELOPMENT PLANS, CONDITIONAL USE PERMITS AND VARIANCES. Amendments to the zoning ordinance, zone boundaries, or classifications of property uses within such zones, specific plans, development plans, conditional use permits and variances may be initiated by:

- (a) The verified applications of all owners of the subject property or by a purchaser or lessee thereof with consent of all such owners which application sets forth fully the grounds for and the facts to justify the request.
- (b) Resolution of Intention of the Planning Commission.
- (c) Resolution of Intention of the City Council.

Section 2101: APPLICATION PROCEDURE FOR TEMPORARY USE PERMIT. Applications for Temporary Use Permits shall be made to the office of the City Manager at least 14 days prior to the Council meeting at which the request is to be heard, and shall contain all pertinent information including a map showing the area on which the permit is requested, the names of the organization and principals within the organization making the request, and the general nature of the use for which the request is made. No notice or publication shall be required prior to the Council hearing the request, and the granting, granting with conditions, or denial of such requests shall be discretionary with the Council.

Section 2102: COMMISSION SHALL PRESCRIBE APPLICATION FORMS AND TYPE OF REQUIRED INFORMATION. The Planning Commission shall prescribe the form in which various applications are made. It may prepare and provide forms for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements.

Section 2103: ACCEPTABILITY OF SIGNATURES ON APPLICATIONS. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the City of Oceanside as represented by the Planning Commission and the City Council.

Section 2104: APPLICATIONS A PART OF PERMANENT RECORD. Applications filed pursuant to this ordinance shall be numbered

consecutively in the order of their filing, and shall become a permanent part of the official records of the agency to which application is made, and there shall be attached thereto and permanently filed therewith copies of all notices and actions with certificates and affidavits of posting, mailing or publications pertaining thereto.

\* Section 2105: FILING FEES. Fees to be paid upon the filing of an application for reclassification, zone change, specific plan, development plan, conditional use permit, variance, environmental assessment, environmental impact report deposits, general plan amendments, and appeals shall be established by resolution of the City Council. Fees for amendments for any of the above applications shall be the same as said application fees unless established otherwise by the City Council.

Section 2106: PUBLIC HEARINGS. All applications described in Section 2100 of this article shall be set by the Secretary of the Planning Commission for public hearings when such hearings are to be held before the Planning Commission, and by the Clerk of the City Council for hearings to be held before the City Council. The date of the hearings shall be not less than ten (10) days from the time of filing of such verified application or the adoption of such resolution or the making of a motion.

Section 2107: NOTICES. Notice of time and place of public hearing shall be given in the following manner:

- (a) Notice of any public hearing for a proposed amendment to this ordinance, a zone change or reclassification to the map which is a part of this ordinance, a specific or development plan, or to a conditional use permit, shall be given by at least one publication in a newspaper of general circulation in the City of Oceanside

not less than ten (10) days before the date of said public hearing.

- (b) Notice of public hearing to consider a zone change or reclassification, a specific or development plan, a conditional use permit or variance shall be given by mailing a written notice not less than ten (10) days prior to the date of such hearing to the owners of the property within a radius of two hundred (200') feet of the exterior boundaries of the property to be changed, using for this purpose the last known name and address of such owners as are shown in the County Assessor's books on file in the County Assessor's Office of the County of San Diego, State of California.
- (c) Both such methods may be employed at the direction of the Planning Commission.

Section 2108: REQUIRED WORDING OF NOTICES. Public notice of hearings on any application shall consist of the words "Notice of Proposed \_\_\_\_\_", setting forth the type of application, the description of the property under consideration, the nature of the proposed change or use, and the time and place at which the public hearing or hearings on the matter will be held.

Section 2109: INVESTIGATIONS. The Planning Commission shall cause to be made by its own members, or members of its Staff, such investigation of facts bearing upon an application set for hearing that will assure action on each case consistent with the purpose of this ordinance, previous amendments or variances.

Section 2110: ESTABLISHMENT OF RULES FOR CONDUCT OF HEARINGS. The Planning Commission may establish rules governing the conduct of public hearings conducted by it.

Section 2111: HEARINGS MAY BE CONTINUED WITHOUT RECOURSE TO PUBLIC NOTICE. If, for any reason, testimony on any case set for public hearing cannot be completed on the date set for such hearing, the person presiding at such public hearing may, before adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing will be continued, and no further notice is required.

Section 2112: PERMANENT FILES SHALL INCLUDE SUMMARY OF TESTIMONY. A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this ordinance, and the names of persons testifying shall be recorded and made a part of the permanent files of the case.

Section 2113: PLANNING COMMISSION DECISION AND FINDINGS. The Planning Commission, following the termination of the public hearing, shall:

- (a) Within thirty (30) days, or other time prescribed by statute, announce its decision to approve or disapprove



the application by resolution which shall clearly state the facts and reasons for the decision rendered and any conditions or limitations imposed.

- (b) Within fifteen (15) days, or other time prescribed by statute, after adoption of said resolution, whether the application is approved or disapproved, notify the applicant by forwarding through the mails a copy of the resolution to the address on the application and to any other person who has filed a written request for such notification. Said resolution shall also be filed with the City Council on the same day as said mailing.
- (c) Keep all reports as a permanent record in the files of the Commission.
- (d) Formal resolutions of the Planning Commission shall be numbered consecutively in the order of their filing and shall be part of the permanent record in the files of the Commission.

Section 2114: EFFECTIVE DATE OF PLANNING COMMISSION DECISION. The order of the Planning Commission in approving or disapproving a development plan, conditional use permit, or variance shall become final and effective twenty (20) days after the rendering of its decision approving or disapproving the development plan, conditional use permit or variance unless within such twenty (20) day period an appeal in writing is filed with the City Council by either an applicant or an interested party.

Section 2115: APPEAL PROCEDURE. Anyone so desiring may appeal the decision of the Planning Commission to the City Council in writing within twenty (20) days, or other time prescribed by statute, after adoption of the decision resolution. The City Council within the same twenty (20) days, or other time prescribed by statute, may also in either a regular or special meeting initiate such appeal. Upon being notified of such appeal by the Clerk of the City Council, the Planning Commission Secretary shall immediately transmit to said Clerk the complete file in the case.

Section 2116: CITY COUNCIL PUBLIC HEARING. Consideration of an appeal of the Planning Commission decision on a development plan, conditional use permit or variance shall be by public hearing which shall be advertised as provided in Sections 2106 through 2108 of this Chapter and shall occur within thirty (30) days of the filing or initiation of such appeal.

Section 2117: REFERRAL BACK TO PLANNING COMMISSION. The City Council may, because of a desire for additional information, or due to the submission of significant new material or evidence when considering an appeal on a Development Plan, Conditional Use Permit or Variance, refer the matter back to the Planning Commission for further study and report. If so referred, the Planning Commission Secretary shall state to the City Council the date upon which said matter will

appear on the Planning Commission agenda, whereupon said date shall immediately be publicly announced to the City Council.

Section 2118: PLANNING COMMISSION FAILURE TO REPORT. Failure of the Planning Commission to report back to the City Council within forty (40) days after referral shall be deemed to be approval by the Planning Commission of the proposed modifications.

Section 2119: PLANNING COMMISSION REFERRAL REPORT TO CITY COUNCIL. The Planning Commission referral report to the City Council shall be considered in public hearing before the City Council.

Section 2120: CITY COUNCIL DECISION AND FINDINGS. The City Council, following the termination of the public hearing, shall:

- (a) Within thirty (30) days, or other time prescribed by statute, announce its decision to approve, modify or disapprove the application by ordinance or resolution which shall clearly state the facts and reasons for the decision rendered and any condition or limitations imposed.
- (b) Within fifteen (15) days, or other period prescribed by statute, after the City Council adopts the ordinance or resolution stating whether the application is approved or disapproved notify the applicant by forwarding through the mails a copy of the ordinance or resolution to the address on the application and to any other person who has filed a written request for such notification.
- (c) Attach a copy of the ordinance or resolution to the file in the case and return the complete file to the Planning Commission.

Section 2121: DECISION OF THE CITY COUNCIL SHALL BE FINAL. Action by the City Council on application for a development plan, conditional use permit or variance shall be by majority vote of the quorum of the City Council and shall be final and conclusive.

Section 2122: DEVELOPMENT PLANS, CONDITIONAL USE PERMITS, OR VARIANCES MAY BE REVOKED. The Planning Commission may, after a public hearing held in the manner prescribed in Article 21 governing development plans, conditional use permits and variances, revoke or modify any plan, permit or variance issued on any one or more of the following grounds:

- (a) That the approval was obtained by fraud or incorrect information.
- (b) That the use for which such approval is granted is not being exercised.
- (c) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more.

- (d) That the plan, permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation.
- (e) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

Section 2123: EXPIRATION. Any Development Plan, Conditional Use Permit or Variance granted by the Planning Commission or City Council becomes null and void if not exercised within the time specified in such permit or variance, or if no date is specified, within one year from the date of approval of said plan, permit or variance, provided, however, that all conditional use permits, variances, or conditional exceptions granted prior to the effective date of this ordinance by the City Council or the Planning Commission of the City of Oceanside and which permits, variances, or exceptions are being legally exercised at the time of this ordinance became effective, shall continue in full force and effect in the manner approved, unless such variance, permit or exception is violated, ceases to exist, or is suspended for one year or more.



## ARTICLE 22

### INTERPRETATION - PURPOSE - CONFLICT - SEVERABILITY

Section 2200: INTERPRETATION. In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When this ordinance imposes a greater restriction upon the use of building or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this ordinance shall control.

Section 2201: CONSTITUTIONALITY OR INVALIDITY. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance; it being hereby expressly declared that this ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared invalid or unconstitutional.



## ARTICLE 23

### PERMITS - LICENSES - ENFORCEMENT

Section 2300: CERTIFICATE OF OCCUPANCY PERMIT. To assure compliance with the parking requirements and other provisions of the zoning ordinance, a Certificate of Occupancy shall be obtained from the Building Department before:

- (1) Any new building be initially occupied or used;
- (2) Any existing building be altered or a change of type or class of use be made; and
- (3) A change of use of any unimproved premise be made.

Section 2301: NO CONFLICTING LICENSES OR PERMITS SHALL BE ISSUED. All departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this ordinance. No such license or permit for uses, buildings or purposes where the same would be in conflict with the provisions of this ordinance shall be issued. Any such license or permit, if issued in conflict with the provisions hereof, shall be null and void.

Section 2302: ENFORCEMENT. The Building Official, or his duly designated representative is hereby designated as the enforcing agent of this ordinance and any amendments thereto. Any appeals from the decision of the enforcing agent in the administration of the zoning ordinance shall be made to the Planning Commission. The decision of the Planning Commission in such matters shall be final and conclusive unless otherwise designated by this ordinance.





## ARTICLE 24

### PENALTY

Section 2400: VIOLATORS PUNISHABLE BY FINE AND IMPRISONMENT. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred Dollars or by imprisonment in the County Jail for a period of not more than ninety days, or both such fine and imprisonment.

Section 2401: EACH DAY A SEPARATE OFFENSE. Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided for in this ordinance, and any use, occupation or building or structure maintained contrary to the provision hereof shall constitute a public nuisance.





PLANNED RESIDENTIAL DEVELOPMENT ZONE (PRD)

Section 2500: PURPOSE: The purpose of this part is to:

- (a) Encourage development of small parcels of land under Planned Residential Development standards;
- (b) Encourage a more desirable living environment;
- (c) Encourage a more efficient, desirable and aesthetic use of land through utilization of modern innovations in residential developments;
- (d) Encourage the reservation of a greater proportion of land for common open areas;
- (e) Encourage the retention of natural slopes, waterways, and other natural features by utilizing such areas as open space;
- (f) Encourage more efficient use of those public facilities required in connection with such residential development; and
- (g) Insure compatibility with established residential areas.

Section 2501: ESTABLISHMENT OF PRD ZONE. A Planned Residential Development zone shall be designated on the official zoning map with the symbol "PRD".

Section 2502: CRITERIA. The following General Criteria are hereby established for use in the classification of land to the PRD zone:

- (a) The zone may be established on land which is suitable for, and of sufficient size, to be planned and developed in a manner consistent with the purpose of this part.
- (b) Any application for PRD zone shall be accompanied by a Master Plan for the entire area covered by the application. The Master Plan, if it satisfies the requirements of Section 2508-2514 of this Ordinance, may serve as a Development Plan and may be processed concurrently with the application of a PRD zone.
- (c) All land in a proposed PRD zone shall be held in one ownership or under unified control, or have the written consent or agreement of all owners of property proposed for inclusion in the PRD zone.
- (d) The existing utilities systems (water, sewer, drainage, electrical, gas and communications facilities) are adequate, or new systems shall be constructed by the developer to adequately serve the development. The developer shall be responsible for his proportionate share of the cost of the new system.
- (e) Compliance with the General Plan shall be established.

Section 2503: APPLICATION. An application for a PRD zone shall be submitted by the owner, his authorized agent, or the purchaser of the land with the consent of the owner. The application shall be accompanied by the following:

- (1) Topographical maps of existing terrain drawn to a minimum five-foot contour.

\*Article 25 adopted by Ordinance No. 72-13, March 8, 1972

(2) A generalized grading plan which indicates proposed earth movement and the results of such movement.

(3) A utility map or statement reflecting a utility system which includes, but is not limited to sewer, water, and gas capable of serving the entire development.

(4) A Master Plan which shall show:

(a) Location and boundaries of the proposed development.

(b) The general type, character, and heights of all buildings or structures; e.g., single family houses, townhouses, cluster houses or highrise structures.

(c) Proposed densities of all areas scheduled for residential development:

(d) Proposed uses of all land in the development.

(e) Natural features that are to be retained, i.e., stands of trees, rock outcroppings, canyons, natural slopes, etc.

(f) The location and width of public and private streets which shall be consistent with the Major Street Plan.

Section 2504: APPLICATION FEE. An application for a PRD zone shall be accompanied by a filing fee of \$150.00.

Section 2505: PROCEDURE: Upon receipt of an application for a PRD zone, the Planning Commission shall hold a public hearing on such application. If it finds the criteria set forth herein have been met, it may recommend the PRD zone subject to such conditions as it deems necessary. The Planning Commission may deny the application if it finds any of the criteria have not been met, or that the approval of the application would be detrimental to the public peace, health, safety or welfare. The decision and findings of the Planning Commission together with the Master Plan and/or Development Plan shall be forwarded to the City Council. The City Council shall hold a public hearing and either approve, conditionally approve or deny the application or any part thereof. The decision of the City Council shall be final.

Section 2506: PUBLIC HEARING AND APPEAL PROCEDURE. Public hearings and appeal procedure shall be governed by Article 21 of Ordinance No. 58-1.

Section 2507: TERMINATION OF PRD ZONE. Physical development of the PRD zone shall be commenced within two years from the date of adoption of the ordinance establishing the PRD zone.

If no development has occurred within the time specified the City Council shall hold a public hearing and the applicant shall show cause why the zone shall not be changed back to the original zone.

An extension of time, not to exceed one year may be granted by the City Council when extenuating circumstances can be clearly shown by the applicant. The request for an extension of time shall be submitted to the City Council in writing prior to the expiration date and shall clearly state the reasons why the physical development has not been commenced and the PRD zone has not been utilized.

A further hearing as provided for above shall be held at the end of the one-year extension period if no physical development has commenced during said period to determine whether the area should be returned to the original zone.

Section 2508: APPROVAL OF A DEVELOPMENT PLAN. Concurrently with or after the establishment of a PRD zone and prior to the termination date as specified in Section 2507, an application for approval of a Development Plan which is in substantial conformance with the approved Master Plan shall be filed with the Planning Commission. A Development Plan may cover all or a portion of the property. No building permit shall be issued for any new building or structure unless a Development Plan covering the area has been approved by the Planning Commission.

The Development Plan application shall be accompanied by the following:

- (a) The Development Plan which must include:
  - (1) The exact boundaries and legal description of the property to be developed.
  - (2) All proposed improvements that are to be constructed on the land and their precise locations including, but not limited to all residential and non-residential structures, recreational facilities, walls and fences, trash areas, streets, and walk areas.
  - (3) Common open space showing size, grades, and function upon completion.
  - (4) The location and dimension of all off-street parking facilities, public and private.
  - (5) The location and size of any public or quasi-public facilities such as schools, churches, and parks.
  - (6) A tabulation of the percentage of total building coverage of the development.
  - (7) A tabulation of densities within each project area or sector.
- (b) Building elevations of typical architectural styles to be constructed.
- (c) A schematic landscaping plan indicating the type and size of plant material to be used and method of providing permanent maintenance to all planted areas and open spaces.
- (d) Floor plans of typical dwelling units, the unit size in square feet, and the amount of private open space in square feet.
- (e) If applicable, a subdivision map showing land divisions. The tentative and final subdivision map shall comply with the City Subdivision Ordinance and the State Subdivision Map Act.
- (f) A proposed construction schedule from ground breaking to occupancy. All common open space, as well as public and recreational facilities, shall be specifically included in the construction schedule and shall be constructed and fully improved or bonded by the developer prior to occupancy of residential structures.



Section 2509: COMMON OPEN SPACE. A minimum of twenty-five (25%) percent of the project area covered under the Planned Residential zone shall be devoted to common open spaces. Required front, side and rear yards and private patios shall not be counted for this purpose.

A minimum of sixty (60%) percent of the common open space shall be usable for active and passive recreation and slopes in excess of fifty (50%) percent grade shall not be counted. The remaining forty (40%) percent may be designated as visual open space.

All common open space shall be preserved for that purpose as shown in the Development Plan. The developer shall choose one or a combination of the following two methods of administering common open spaces.

(1) Establishment of an association or non-profit corporation of all property owners or corporations within the project area to insure perpetual maintenance of all common open space.

(2) Retention of ownership, control and maintenance of all common open space by the developer. All privately owned common open space shall continue as such and shall only be used in accordance with the Development Plan. Appropriate land use restrictions shall be contained in all deeds to insure that the common open space is permanently preserved according to the Development Plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners, and shall contain a prohibition against partition of common open space.

Section 2510: DESIGN CRITERIA. The following design criteria are hereby established:

(a) The overall plan shall achieve an integrated land and building relationship.

(b) Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site.

(c) The layout of structures and other facilities shall effect a conservation in street and utility improvements.

(d) Recreational areas, active and passive, shall be generally dispersed throughout the development and shall be easily accessible from all dwelling units.

(e) Architectural unit and harmony within the development and with the surrounding properties shall be attained.

Section 2511: PROCEDURE FOR DEVELOPMENT PLAN APPLICATION. The owner, his authorized agent, or the purchaser with the consent of the owner may submit an application for Development Plan approval to the Planning Commission. The Planning Commission shall hold a public hearing on such application. It may approve the Development Plan if it finds the criteria set forth herein have been satisfied subject to such conditions as it deems necessary. The Planning Commission may deny the application if it finds the criteria are not being satisfied or that such application would be detrimental to the public peace, health, safety,

or welfare. If the Development Plan is submitted separately and after approval of a Master Plan, the decision of the Planning Commission shall be final unless appealed to the City Council by the applicant, by member(s) of the City Council or member(s) of the Public Works Committee.

Section 2512: PUBLIC HEARING AND APPEAL. Public hearing and appeal procedure shall be governed by Article 21 of Ordinance No. 58-1.

Section 2513: APPLICATION FEE. An application for a Development Plan shall be accompanied by a filing fee of \$100.00.

Section 2514: DEVELOPMENT STANDARDS. The following development standards of the underlying zone shall apply to a Planned Residential Development:

(a) Density. In any PRD zone, the maximum gross density in the project area shall not exceed seven (7) dwelling units per acre. Since the basis of the increased density permitted hereby for structures is to encourage flexibility in design and to provide more open space, a design based on the simple expedience of attaining this density by a grid pattern of substandard lots and substandard streets shall be cause for rejection.

The Planning Commission, in approving the increase in density, may require additional common amenities such as (but not limited to) an increase in common open space, clustering of dwelling units and a general conservation in the amount of land utilized.

(b) Density Bonus. For every one acre of land dedicated or irrevocably offered to dedicate for school sites, fire stations, libraries, or other public uses except park sites and streets, the total number of dwelling units planned within the boundaries of the project area may be increased by nine (9) dwelling units for every one acre dedicated for such purposes.

(c) Underground Utilities. All utilities in the Planned Residential Development shall be underground.

(d) Building Heights. Building height limits may be stipulated by the Planning Commission or City Council for any area covered by the Master Plan or Development Plan. Consideration shall be given to building heights in relation to adjacent property and building interrelationship within the development.

(e) Yards. The following front, side, and rear yards shall be shown on the development plan and maintained:

(1) Front: There shall be a minimum front yard setback of five (5) feet for any building measured from the curb line of private streets, and a minimum front yard setback of twenty (20) feet for any building measured from the property line on public streets. Where a garage faces a public street, a 20-foot setback shall be required.

A maximum six (6') feet high wall or fence may be placed within any front yard setback, provided such wall or fence is set back five (5') feet from the right of way line of dedicated streets. Such setback area shall be landscaped.

(2) Side: There need be no side yard provided. However, each development plan will be reviewed to insure that adequate provisions are made for light and air and free pedestrian movement.

(3) Rear: When the rear of a dwelling unit is adjacent to common open space and accessible thereto, a rear yard need not be provided. A fifteen (15') foot rear yard shall be provided when the rear of a dwelling unit abuts adjacent private property.

(4) Distance Between Buildings: All buildings not attached or having common walls shall be separated by a minimum distance of ten (10') feet.

(5) Fire Access Ways: Each development plan shall provide adequate access ways for free movement of men and equipment to provide appropriate fire fighting capabilities. Such access ways shall be a minimum of five (5') feet in width and approved by the City Fire Department.

(f) Off-Street Parking. Off-street parking shall be required as follows:

(1) Residential off-street parking shall be provided at the ratio of two spaces per dwelling unit, at least one of which shall be an enclosed garage with minimum 10' x 20' inside dimension.

(2) Covered or open parking compounds shall be designed as a functional part of the development. Parking compounds shall be conveniently accessible and adequately screened through the use of walls or landscaping.

(3) The arrangement and access for all parking compounds or parking spaces shall conform to City of Oceanside standards as specified in Article 17 of the Zoning Ordinance.

(g) Ground Coverage. Total ground coverage of the entire development (not individual lot) shall not exceed fifty (50%) percent exclusive of all dedicated public rights of way. In determining the coverage (ground area of each dwelling), covered parking and garages shall be used.

(h) Private Open Space. A minimum of 200 square feet of private open space per dwelling unit shall be provided on each individual lot. The open space may be covered and/or screened for patio use. This provision need not apply to structures which are three or more stories high.

(i) Dedication of Park Land or Payment of In Lieu Fees. The provisions of Ordinance No. 71-31 and amendments thereto shall apply.

(j) Landscaping Standards: All provisions of Article 17, Section 1732 and 1733 shall be applicable.

\* (k) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 2515: Article 15, Section 1508, subsections 1 through 4 inclusive are hereby repealed.



\*ARTICLE 26

PLANNED COMMUNITY DEVELOPMENT (PCD ZONE)

Section 2600: OBJECTIVES. The objectives of this zone are to:

- (a) Encourage development of large parcels of land (generally 100 acres or more) under Planned Community Development standards.
- (b) Provide the developer with greater flexibility in site design, density, and housing unit options in order to stimulate variety and innovation within the framework of a quality residential environment.
- (c) Direct new community growth and development in the process of implementing the General Plan.
- (d) Achieve more interest, individuality and character within and among neighborhoods.
- (e) Provide criteria for the inclusion of compatible uses designed to service the residential developments within the community.
- (f) Encourage the most effective use of a site with a variety of residential environments providing necessary public facilities, ample open space and a functional, well balanced community.

Section 2601: CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the Planned Community Development Zone:

(1) General Plan. Compliance with the General Plan shall be established.

(2) Site Area.

(a) The Planned Community Development shall be of sufficient size to support the various land uses proposed, and such area shall generally be a minimum of 100 acres unless qualified by the City Council.

(b) The availability and proximity of existing land uses shall be considered to determine that the PCD concept is appropriate and that a well balanced and functional community will result.

(3) Utilities. The existing utilities systems, (water, sewer, drainage, electrical, gas and communications facilities) are adequate, or new systems shall be constructed by the developer to adequately serve the development. The developer shall be responsible for his proportionate share of the cost of the new system.

(4) Ownership. All land in a proposed Planned Community Development shall be held in one ownership or under unified control or have the written consent or agreement of all owners of property proposed for inclusion in the Development

Section 2602: COMMUNITY MASTER PLAN. The Planned Community Development application shall be accompanied by a Master Plan (maps and explanatory text) for the entire area and such other material as specified herein.

\* Article 26 adopted by Ordinance No. 72-13, March 8, 1972

The Community Master Plan shall set forth the following:

(1) Location and boundaries of the area proposed for the Planned Community Development.

(2) Present and proposed topography of the area including natural features that are to be retained (i.e., stands of trees, rock outcroppings, canyons, etc.)

(3) Proposed uses of all land including (but not limited to) residential, commercial and professional centers, school sites, public and private recreational facilities, industrial facilities, and all common open space.

(4) Proposed densities of all areas scheduled for residential development.

(5) Proposed site development standards for all residential, commercial and industrial uses.

(6) The location and width of public and private streets.

(7) Site data, including acreage in total development, total acreage in each density classification, school sites, church sites, commercial sites, industrial sites, and total acreage devoted to common open space.

#### Section 2603: APPLICATION PROCEDURE.

(1) The owner, his authorized agent, or the purchaser with the consent of the owner may submit an application for a Planned Community Development Master Plan to the Planning Commission. The Planning Commission shall hold a public hearing on such Community Master Plan and may recommend approval or conditional approval of the Community Master Plan if it finds the criteria set forth herein have been satisfied.

(2) The Planning Commission may deny the application if it finds any of the criteria has not been satisfied or that such Community Master Plan would be detrimental to the public peace, health, safety or welfare. The decision and findings of the Planning Commission shall be forwarded along with the Community Master Plan to the City Council.

(3) The City Council shall hold a public hearing and either approve, conditionally approve, or deny the Community Master Plan. The decision of the City Council shall be final.

Section 2604: TERMINATION OF PCD ZONE. Physical development of the PCD zone shall be commenced within two years from the date of adoption of the ordinance establishing the PCD zone.

If no development has occurred within the time specified the City Council shall hold a public hearing and the applicant shall show cause why the zone shall not be changed back to the original zone.

An extension of time, not to exceed one year may be granted by the City Council when extenuating circumstances can be clearly shown by the applicant. The request for an extension of time shall be submitted to the City Council in writing prior to the expiration date and shall clearly state the reasons why the physical development has not been commenced and the PCD zone has not been utilized.

A further hearing as provided for above shall be held at the end of the one-year extension period if no physical development has commenced during said period to determine whether the areas should be returned to the original zone.

The Community Master Plan will become void upon the termination of the PCD zone.

Section 2605: PUBLIC HEARING AND APPEAL. Public hearing and appeal procedures shall be governed by Article 21 of Ordinance No. 58-1.

Section 2606: APPLICATION FEE. An application for a Planned Community Development zone shall be accompanied by a filing fee of \$150 plus \$2 for each acre covered under the application.

Section 2607: DEVELOPMENT PLAN. After the establishment of a PCD zone, a Development Plan which is in substantial conformance with the approved Community Master Plan shall be filed with the Planning Commission. A development plan may cover all or a portion of the area included in the Community Master Plan. No building permit shall be issued for any new building or structure unless a Development Plan has been approved as specified herein.

The Development Plan shall set forth the following:

- (1) The exact boundaries and legal description of the property to be developed.
- (2) All proposed improvements that are to be constructed on the land and their precise locations including (but not limited to) all residential and non-residential structures, recreational facilities, and typical plans showing walls, fences, trash areas, streets, and walk areas.
- (3) Common open space showing size, grades, and function upon completion.
- (4) The location and dimension of all off-street parking facilities, public and private.
- (5) Location and size of all public and quasi-public sites if applicable (i.e. schools, churches, parks, etc.).
- (6) A tabulation of the percentage of total building coverage of the development.
- (7) A tabulation of densities within each project area or sector.
- (8) Building elevations of typical architectural styles to be constructed.
- (9) A schematic landscaping plan indicating the type and size of plant material to be used, and method of providing permanent maintenance to all planted areas and open spaces.
- (10) Floor plans of typical dwelling units, the unit size in square feet and the amount of private open space in square feet.
- (11) If applicable, a subdivision map showing land divisions. The tentative and final subdivision map shall comply with the City Subdivision Ordinance and the State Subdivision Map Act.



(12) A proposed construction schedule from ground breaking to occupance.

Section 2608: COMMON OPEN SPACE. A minimum of twenty-five (25%) percent of the project area covered under the Planned Community Development Zone shall be devoted to common open spaces. Required front, side and rear yards and private patios shall not be counted for this purpose.

A minimum of sixty (60%) percent of the common open space shall be usable for active and passive recreation and the slopes in excess of fifty (50%) percent shall not be counted. The remaining forty (40%) percent may be designated as visual open space.

All common open space shall be preserved for that purpose as shown in the Development Plan. The developer shall choose one or a combination of the following two methods of administering common open space:

(1) Establishment of an association or non-profit corporation of all property owners or corporations within the project area to insure perpetual maintenance of all common open space.

(2) Retention of ownership, control and maintenance of all common open space by the developer.

All privately owned common open space shall continue to conform to its intended use and remain as expressed in the Development Plan through the inclusion in all deeds of appropriate restrictions to insure that the common open space is permanently preserved according to the Development Plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

All common open space, as well as public and recreational facilities, shall be specifically included in the Development Schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

Section 2609: DESIGN CRITERIA. The following design criteria are hereby established:

(1) The overall plan shall achieve an integrated land and building relationship.

(2) Open spaces, pedestrian and vehicular circulation facilities parking facilities, and other pertinent amenities, shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site.

(3) The layout of structures and other facilities shall effect a conservation in street and utility improvements.

(4) Recreational areas (active and passive) shall be generally dispersed throughout the development and shall be easily accessible from all dwelling units.

(5) Architectural unity and environmental harmony within the development and with the surrounding properties shall be attained.



Section 2610: PROCEDURE FOR DEVELOPMENT PLAN APPLICATION.

The owner, his authorized agent, or the purchaser with the consent of the owner may submit an application for Development Plan approval to the Planning Commission. The Planning Commission shall hold a public hearing on such application and may approve or conditionally approve, the Development Plan if it finds the criteria set forth herein have been satisfied.

The Planning Commission may deny the application if it finds that any of the criteria are not satisfied or that the Plan would be detrimental to the public peace, health, safety or welfare. The decision of the Planning Commission shall be final unless appealed to the City Council by the applicant, by member(s) of the City Council or member(s) of the Public Works Committee.

Section 2611: PUBLIC HEARING AND APPEAL. Public hearing and appeal procedure shall be governed by Article 21 of Ordinance No. 58-1.

Section 2612: APPLICATION FEE. An application for a Development Plan shall be accompanied by a filing fee of \$100.

Section 2613: DEVELOPMENT STANDARDS. All development within the Planned Community Development shall meet the following minimum requirements:

(1) Density: All densities shall conform to the approved Community Master Plan and shall not exceed the following densities:

- |  |                 |
|--|-----------------|
| (a) Single family residences<br>(detached) | 4.5 du/acre     |
| (b) Townhouses or cluster<br>developments  | 7 du/acre       |
| (c) Two & three story apts.                | 16 du/acre      |
| (d) High rise apartments                   | Over 16 du/acre |

(2) Density Bonus: For every one (1) acre of land dedicated or irrevocably offered to dedicate for school sites, fire stations, libraries, recreational improvements or other public uses, the total number of dwelling units planned within the boundaries of the project area may be increased by nine (9) dwelling units for every one (1) acre dedicated for such purposes.

(3) Building Coverage: The maximum building coverage shall not exceed 50% of the area covered by the Development Plan exclusive of all dedicated public rights of way. In determining the coverage (ground area of each dwelling) covered parking and garages shall be included.

(4) Off-Street Parking: All off-street parking and landscaping requirements for residential structures shall be the same as required under the provisions of the Planned Residential Development Zone, Section 2514, and all off-street parking and landscaping requirements for office professional, commercial or industrial development shall comply with the general parking provisions of Article 27 of the Zoning Ordinance.

(5) Private Open Space: A minimum of 200 square feet of private open space per dwelling unit shall be provided on each individual lot. This private open space may be covered and/or screened for patio use. This requirement does not apply to structures three or more stories in height.

(6) Building Height Limits: Building height limits may be stipulated by the Planning Commission and/or City Council for any area covered by the Master Plan or Development Plan. Consideration shall be given to building heights in relation to adjacent property and building interrelationship within the development.

(7) Utilities: All utilities shall be underground.

(8) Other: All other standards as specified by the approved Community Master Plan and text and Development Plan and text shall be strictly adhered to.

(9) Dedication of Park Land or Payment of In Lieu Fees: The provisions of Ordinance No. 71-31 and amendments thereto shall apply.

(10) Park Dedication: At the time of filing of the first Development Plan, the owner(s) of the property shall offer for dedication to the City of Oceanside, those areas of the Master Plan, which have been approved by the City Council as public park sites.

\* (11) Additional uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

## ARTICLE 27

### OFF-STREET PARKING

Section 2701: INTENT. Every building, or portion of building hereafter erected, shall be provided with permanently maintained parking space as provided in this Article, and such parking space shall be made permanently available and be permanently maintained for parking purposes, provided, however, that any alterations or additions providing less than five hundred square feet of additional floor space shall be exempted from this requirement. Provided further that when an addition is made to an existing building only the square feet in the addition need be used in computing the required off-street parking.

Section 2702: PARKING SPACES REQUIRED. The number of off-street parking spaces required shall be no less than as set forth in the following. Except as provided in Section 1710, a parking space shall be deemed to be an area of at least 180 square feet, paved with either an asphaltic concrete or cement concrete paving. Such space shall have a width of at least 9 feet except in cases of parallel parking, such space may be reduced to 8' x 24' and be provided with adequate ingress and egress. For purposes of definition, gross floor area is defined as the area included within the surrounding exterior walls of a building or portion thereof.

Carport. A carport shall mean a parking structure which is enclosed on at least 3 sides, including the roof, constructed of materials consisting of wood, masonry, or stucco under area limitations as specified in the Uniform Building Code. A carport may be either a single parking unit or may be a combination of several parking units. In the case of parking bays, only the block wall and end walls of the entire bay need to be enclosed. Each parking space shall contain an enclosed storage cabinet having a minimum size of one hundred sixty (160) cubic feet. No dimension of such cabinet shall be less than four (4) feet.

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Banks, business or professional offices	1 for each 400 sq.ft. of gross floor area.
Bowling Alleys	7 for each lane.
Churches & Accessory Uses	1 for each 4 seats, or if there are no fixed seats, then 1 for each 40 sq.ft. of floor space used for assembly purposes.
<u>Commercial Uses</u>	
Retail Centers having less than 5,000 sq.ft. of gross floor area	1 for each 300 sq.ft. of gross floor area.
Retail centers having more than 5,000 and less than 20,000 sq.ft. of gross floor area	1 for each 250 sq.ft. of gross floor area.



Retail centers having more than 20,000 sq.ft. of gross floor area	1 for each 200 sq.ft. of gross floor area.
Bars or Cocktail Lounges	1 space for each 2 seats or 1 space for each 30 sq.ft. of area used for consumption of beverages (not less than 15 spaces shall be provided).
Drive-In Restaurants	1 space for each 3 seats or 1 space for each 45 sq.ft. of area used for sale or consumption of food and/or beverages (not less than 15 spaces shall be provided).
Drive-Through Restaurants	Minimum of 15 spaces.
Furniture and appliance stores, hardware stores, household equipment, service shops, clothing or shoe repair or personal service shops	1 for each 600 sq.ft. of gross floor area.
Hospitals	1 for each bed.
Hotels	1 for each licensed unit.
Libraries	1 for each 250 sq.ft. of gross floor area.
Motels	1 for each licensed unit.
Museums	1 for each 500 sq.ft. of gross floor area.
Manufacturing uses, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops	Not less than 1 for each 800 sq.ft. of gross floor area.
Medical or dental clinics and medical-professional offices	1 for each 200 sq.ft. of gross floor area.
Mortuaries	1 for each 50 sq.ft. of floor area of assembly rooms used for service.
Motor vehicle, machinery sales or wholesale stores	1 for each 1,000 sq.ft. of gross floor area.
Offices not providing customer service on the premises	1 for each 400 sq.ft. of gross floor area.
<u>Residential Uses</u>	
Single family dwellings and duplexes	2 car garage per dwelling unit; minimum inside area of 400 sq. ft.; minimum inside width of 18 ft.

## Apartments and condominiums

1 Bedroom	1½ spaces per unit, 1 carport or garage, ½ space open.
2 Bedrooms and more	2 spaces per unit, 1 carport or garage, 1 space open. Each space shall have minimum 9' x 20' dimension.
Condominiums in PRD or PCD zones	2 spaces per unit, 1 garage, 1 space open. Each garage shall have a minimum inside dimension of 10' x 20'. Each open space shall have a minimum dimension of 9' x 20'.

## Exceptions

(1) The above provisions for R-3, O-P, R-T and R-C zones shall not be applicable to any lot legally subdivided prior to January 20, 1958, and the combination of such lots have a total area for each lot of 7,500 sq.ft. or less. Off-street parking requirements for such a lot or combination thereof shall be the same as required by Ordinance No. 69-39 and shall be as follows:

1 and 2 bedroom units	1 enclosed or covered space per family unit.
3 bedrooms and more	1½ space for each unit, at least 1 of which is covered or enclosed.

(2) For residential parking requirements for subdivisions which have by recorded covenants a minimum age requirement, the City Council may modify parking requirements to permit a one-car garage and one open parking space.

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Restaurants	1 space for each 3 seats or 1 space for each 45 sq.ft. of area used for consumption of food or beverages (not less than 15 spaces shall be provided).
Rooming houses, lodging houses, clubs and fraternity houses having sleeping rooms	1 for each 2 sleeping rooms.
Sanitariums, children's homes, homes for aged, asylums, nursing homes.	1 for each 3 beds.
Schools	1 for each one employee.
Schools (business & vocational)	1 for each 40 sq.ft. of classroom area.

Stadiums, sports arenas, auditoriums, (including school auditoriums) and other places of public assembly, & clubs and lodges having no sleeping quarters	1 for each 4 seats and/or 1 for each 40 sq.ft. of gross floor area used for assembly and not containing fixed seats.
Theaters	1 for each 4 seats, up to 800 seats, plus 1 for each 8 seats over 800 seats, provided, however, that the issuance of a Conditional Use Permit for the operation of a theater may be conditioned upon providing a greater number of spaces where it is determined that, due to location factors such as additional parking is necessary.
Transportation terminal facilities, warehouses & storage buildings	Adequate number as determined by the Planning Commission.

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Section 2703: PARKING REQUIREMENTS FOR USES NOT SPECIFIED. Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Planning Department; such determination shall be based upon the requirements for the most comparable use specified herein. All such departmental determinations may be subject to review by or appeal to the Planning Commission.

Section 2704: PARKING PROVISIONS MAY BE WAIVED BY CITY COUNCIL. The City Council may, by resolution, waive or modify the provisions as herein set forth establishing required parking areas for uses such as electrical power generating plants, electrical transformer stations, utility or corporation storage yards or other uses of a similar or like nature requiring a very limited number of persons.

Section 2705: MIXED OCCUPANCIES IN A BUILDING. In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as herein-after specified for joint use.

Section 2706: JOINT USE. The Planning Commission may, upon application of a Conditional Use Permit by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

(a) Up to fifty (50%) percent of the parking facilities required by this Article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use; up to fifty (50%) percent of the parking facilities required by this Article



for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking areas shall be subject to conditions set forth in paragraph (c) below:

(b) The following uses are typical daytime uses; banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses. The following uses are typical nighttime and/or Sunday uses; auditoriums incidental to a public or parochial school, churches, dance halls, theaters and bars.

(c) Conditions required for joint use:

(1) The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use, shall be located within three hundred (300') feet of such parking facility.

(2) The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.

(3) Parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a proper legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this Ordinance, shall be recorded in the office of the County Recorder and copies thereof filed with the Building Department and the Planning Commission.

Section 2707: COMMON FACILITIES. Common parking facilities may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the Planning Commission as to size, shape and relationship to business sites to be served, provided the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately. When any such common facility is to occupy a site of five-thousand (5,000 sq.ft.) square feet or more, then the parking requirement as specified herein for each of two or more participating buildings or uses may be reduced not more than fifteen (15%) percent upon approval of development plans by the Planning Commission in the manner prescribed for a Conditional Use Permit as set forth in Article 21.

Section 2708: COMPREHENSIVE PLANNED FACILITIES - PARKING DISTRICTS. Areas may be exempted from the parking requirements as otherwise set up in this Article, provided:

(a) Such area shall be accurately defined by the Planning Commission after processing in the same manner required for an amendment to the Zoning Ordinance.

(b) Before such defined district shall be exempt as provided in this Section, active proceedings under any applicable legislative authority shall be instituted to assure that the exempted area shall be provided with comprehensive parking facilities which will reasonably serve the entire district.

Section 2709: COMMERCIAL PARKING AREAS IN R-3 OR R-P ZONES. Every parking area in an R-3 or R-P zone shall be governed by

the following provisions in addition to those required in Sections 2710 and 2711:

(a) No parking lot to be used in conjunction with commercial uses shall be established in an R-3 zone unless it abuts upon a lot zoned for commercial or industrial use.

(b) Such parking lot shall be used solely for the parking of private passenger vehicles.

(c) No sign of any kind, other than one designating entrances, exits or conditions of use, shall be maintained on such parking lot. Any such sign shall not exceed eight square feet in area.

Section 2710: GENERAL REQUIREMENTS - DESIGN STANDARDS.

The following requirements shall apply:

(1) Size and Access.

(a) Each parking space shall be provided with adequate ingress and egress. Adequate ingress and egress shall mean a driveway having a minimum width of 10 feet (one way), surfaced with asphaltic concrete or cement concrete paving, properly drained, no part of which shall be included in the required area of a parking space. Such drives shall be kept free and clear of any intrusions for a height of at least 7 feet.

(b) Each off-street parking space for commercial usage, including hotels and motels shall have an area of at least 180 sq. ft. exclusive of drives and aisles and shall be 9 feet wide.

(c) When the required parking space for a one or two-family structure (not including hotels or motels) in any "R" zone is to be provided in a covered garage, each such required car space shall be not less than 200 square feet in area and shall be so located and/or constructed not to encroach on any required yard setback. Where parking compounds are provided in multiple family development, the required parking space shall not be less than 180 square feet in area.

(d) Where a garage faces a public street in the R-1 and R-2 zones, a 20-foot setback shall be required between the garage and the property line.

(2) Surfacing. Off-street parking areas shall be surfaced with an asphaltic concrete or cement concrete paving and shall be so graded and drained as to dispose of all surface water with no water running over sidewalk.

(3) Walls.

(a) Every parking area which abuts a street shall be screened from public view through the use of landscaping to be provided in a 5-foot setback area or through any combination of a 30-inch high decorative block wall and planter areas provided, however, that the location of the planter areas shall be an integral part of the design. Such design shall be subject to approval of the Planning Director.

(b) Every parking area which abuts property located in one of the "R" zones shall be separated from such property by a solid masonry, rock, concrete, or stucco wall six feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous R zoned property, provided that along the required front yard the wall shall not exceed 42 inches in height. No such wall need be provided where the

elevation of that portion of the parking area immediately adjacent to an R zone is six feet or more below the elevation of such R zoned property along the common property line.

(4) Lighting. Any lights provided to illuminate any public parking area, semi-public parking area or used car sales area permitted by this ordinance shall be so arranged as to reflect the light away from any residentially zoned lot.

(5) Entrances and Exits. The location and design of all entrances and exits shall be subject to the approval of the Superintendent of Streets.

(6) Wheel Stops. Each parking space adjacent to buildings, walls and sidewalks less than 6 feet wide or sidewalks at the same grade as the parking space shall be provided with a concrete curb or bumper at least six (6) inches in height at or within two feet of the front of such space. This provision shall not be applicable to parallel parking spaces.

(7) Striping.

(a) All parking spaces as required by this ordinance, unless located in a garage or carport, shall be clearly marked on the parking surface, and shall conform to the plan of such parking area as approved by the Planning Director.

(b) In addition to the clear marking of all spaces, directional arrows shall be clearly drawn on the paved surface of access areas wherever such directions are necessary to provide for a safe pattern of traffic movement.

(8) Approval of Plans. The plan of the proposed parking area shall be submitted to and approved by the Planning Director at the time of the application for the building permit for the building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot.

All parking areas shall be subject to the same restrictions governing accessory buildings as defined in the zone in which said parking area is located.





ARTICLE 28  
SP SCENIC PARK ZONE (SP ZONE)

Section 2801: INTENT AND PURPOSE. The SP Zone is designed to:

(1) Protect the valuable natural resources of recreational and scenic areas for our generation and succeeding generations.

(2) Ensure that the future development of those areas covered by the SP or PC Zones will be compatible to abutting recreational and scenic areas.

(3) To encourage the retention of natural slopes, waterways and other natural features by incorporating these features in the design of the development.

(4) To ensure that the terrain of the areas included in the SP and PC Zones will suffer minimum disfigurement by scarring from extensive cut and fill.

(5) To encourage the reservation of greater proportion of land for common open areas.

(6) To encourage a more efficient, desirable and aesthetic use of land surrounding the recreational and scenic areas through utilization of modern innovation in various types of development.

Section 2802: ESTABLISHMENT OF SCENIC PARK ZONE. Land to be included in the SP Zone shall be designated on the official zoning map of the City of Oceanside with the symbol "SP".

Before the SP Zone is applied to the Zoning Map, a hearing shall be held before the Planning Commission and City Council. Notice of such hearings shall be given pursuant to provisions of Section 2106 - 2108 of Article 21 of the Zoning Ordinance, except that the notification of property owners within a radius of 200 feet of the exterior boundaries of the property to be changed shall not be necessary. A written notice of public hearing to consider the application of the SP Zone shall be given not less than ten (10) days prior to the date of such hearing to all owners of property to which the SP Zone is proposed to be applied.

Section 2803: USES NOT REQUIRING SPECIAL APPROVAL. The following uses are permitted in the SP Zone subject to all applicable provisions of Ordinance 58-1, the Zoning Ordinance:

(1) One family dwellings, provided that the minimum lot area shall not be less than one (1) acre, and are not part of a subdivision or project containing more than four (4) lots.

(2) Accessory buildings and structures, including private garages, to accommodate not more than four cars; provided additional garage or implement shelters may be erected, maintained and used on sites of ten acres or more, and provided that such structures shall not occupy any required yard space.

(3) Greenhouses, fruit trees, nut trees, vines and other horticultural stock.

(4) Agricultural crops.

(5) Stands for the display and sale of agricultural products raised on the premises.

Article 28  
Section 2803 (Cont'd)

(6) The following poultry and animals under the following conditions:

a. Poultry or rabbits for domestic or commercial uses, provided that all such poultry and rabbits shall be confined at all times within an enclosure.

b. Horses, and the grazing of bovine animals (excluding dairies) provided that on sites containing four acres or less such domestic animals shall not exceed a number equal to two horses or two bovine animals per acre of ground devoted to feed for same (excluding feed lots).

c. No horse shall be maintained on a lot or parcel containing less than ten thousand square feet of area.

d. Not more than two horses may be maintained on a lot or parcel containing less than one and one-half acres nor more than four horses on lots or parcels containing less than four acres but more than one and one-half acres. Lots containing more than four acres in area shall be permitted two horses per acre

e. The keeping of all domestic animals provided for in this article shall conform to all other provisions of law governing same. No pen, coop, stable or barn, shall be kept or maintained within forty feet of any building used for human habitation or any portion of a required yard space located on adjoining property, or within forty feet of any street or public property; nor may any fowl or animal be kept or maintained closer than forty feet to any structure used for human habitation.

Section 2804: USES REQUIRING SPECIAL APPROVAL. The following uses may be permitted in the SP Zone subject to all applicable provisions of Ordinance 58-1, the Zoning Ordinance, provided further that all such uses shall be reviewed by any advisory agency established for that purpose, the Planning Commission and the City Council:

(1) Single family residential developments having lot area less than one (1) acre, subject to approval of a specific plan under the provisions of Section 1605 of the Zoning Ordinance.

(2) Planned residential developments subject to all the provisions of Article 25 of Ordinance 58-1, the Zoning Ordinance.

(3) Planned community developments subject to all the provisions of Article 26 of Ordinance 58-1, the Zoning Ordinance.

(4) Public buildings, parks, golf courses and recreational areas subject to conditional use permit.

\* (5) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 2805: DEVELOPMENT STANDARDS. The following development standards shall apply to all development within the SP Zone:

(1) LOT AREA. The minimum lot area in the SP Zone shall not be less than 6,000 square feet unless otherwise shown on the Zoning Map.

(2) LOT AREA PER DWELLING. The lot area per dwelling unit shall not be less than the minimum required lot area.

(3) LOT WIDTH. In the SP Zone, every lot created after the effective date of this ordinance shall maintain a lot width of not less than the following:



Article 28  
Section 2805 (Cont'd)

Lots having a minimum lot area between:

- 0 to 9,999 square feet - 60 foot lot width
- 10,000 to 14,999 square feet - 70 foot lot width
- 15,000 to 19,999 square feet - 100 foot lot width
- 20,000 and over square feet - 125 foot lot width

(4) PERMISSIBLE LOT COVERAGE. All buildings, including accessory buildings and structures, shall not cover more than forty percent (40%) of the area of the lot.

(5) YARDS AND BUILDING SETBACK:

a. Front. There shall be a front yard setback having a minimum depth of twenty-five (25) feet extending across the full width of the lot.

b. Side. There shall be a side yard setback of not less than five (5) feet. On corner or reverse corner lots the side yard abutting the street shall be a minimum of fifteen (15) feet.

c. Where lots are 10,000 square feet or more, the side yard shall not be less than ten (10) feet.

d. Rear. There shall be a rear yard setback of a minimum twenty-five (25) feet extending across the full width of the lot.

Garages or carports may be located within the side or rear yards. In no case, however, may a garage or carport be constructed within fifteen (15) feet of any side street or twenty-five (25) feet of any front street.

Balconies and exterior stairways shall not project more than two (2) feet into any required setback.

(6) HEIGHT. Maximum building height shall not exceed thirty-five (35) feet or three stories, unless approved otherwise by specific or development plan.

(7) OFF STREET PARKING. All provisions of Article 25, 26 and 27 of the Zoning Ordinance shall apply.

(8) UNDERGROUND UTILITIES. All utilities shall be underground in accordance with provisions of Section 32.37 of the Code of the City of Oceanside.

(9) SIGNS. The following signs are permitted:

a. One unlighted sign not exceeding 6 square feet in area, pertaining only to the sale, lease, or rental of only the particular building, property, or premises upon which displayed.

b. A name plate, not exceeding 1 square foot in area, containing the name and address of the occupant of the premises.

c. One unlighted double-faced or two unlighted single-face ground signs, not to exceed 60 square feet per face, may be allowed on the premises advertising the sale of 5 or more new dwelling units or lots under common ownership either adjacent or within close proximity to each other. Such signs may remain for a period not to exceed one year or until said properties have been sold, whichever occurs sooner.

d. All attached signs must be flat against the building or structure and shall not extend above the top of the wall; must be constructed of metal, wood, or comparable weatherproof material; and must be enclosed and bird and vermin proof, interior signs excepted.

Article 28 (Cont'd)

Section 2806: REFERRAL TO ADVISORY COMMISSION. All uses as specified in this Article, requiring review by an Advisory Commission shall be referred to the Commission after initial application has been made to the City of Oceanside. Submittal of the application together with all necessary information shall be made to the Committee at least five (5) days prior to any regularly scheduled Committee meeting by the Secretary of the Planning Commission. The Planning Commission and/or City Council shall not take action on any application until a written report setting forth recommendations regarding the particular application, signed by the Chairman of the Advisory Commission or his representative, has been received by the City of Oceanside.

ARTICLE 29  
PC PLANNED COMMERCIAL ZONE (PC ZONE)

Section 2901: INTENT AND PURPOSE. The PC Zone provides for retail and service commercial uses which by their nature are of relatively high intensity; are necessary to provide a wide range of shopping facilities and goods, professional and administrative offices, and entertainment establishments; and are generally within close proximity to recreational and scenic areas therefore, require extraordinary physical treatment in order to guarantee compatibility with and protection of the abutting recreational and scenic areas.

Section 2902: CRITERIA. The following general criteria are hereby established for use in the classification or reclassification of land to the PC Zone:

(1) General Plan - Compliance with the General Plan and applicable specific plan(s) shall be established.

(2) Location - Park commercial centers should serve one or more communities and be located with primary access to a major street. Land so utilized should be topographically suited to such use.

(3) Need - A demonstrated public need shall be established within the general area.

(4) Site Area - No park commercial zone shall be less than ten acres.

(5) Utilities - The existing utilities systems (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve a planned commercial land use.

Section 2903: ESTABLISHMENT OF PLANNED COMMERCIAL ZONE. Land to be classified into the PC Zone shall be designated on the official zoning map of the City of Oceanside with the symbol "PC".

Before the PC Zone is applied to the Zoning Map, public hearings shall be held pursuant to the provisions of Article 20 and 21 of Ordinance 58-1, the Zoning Ordinance.

Section 2904: PERMITTED USES IN THE PC ZONE. The following uses are permitted in the PC Zone subject to approval of a development plan as specified in Sections 2607 and 2610-2612 of Ordinance 58-1, the Zoning Ordinance:

(1) The following commercial activities subject to limitations on permitted uses as contained hereinafter.

(2) Barber shops and beauty shops.

(3) Book or stationery stores.

(4) Cocktail lounges and on-sale liquor facilities as accessory uses in restaurants or hotels.

(5) Clothing stores.



- (6) Delicatessens, and grocery stores.
- (7) Dry goods, notions, and souvenir stores.
- (8) Florist shops.
- (9) Jewelry stores.
- (10) Millinery shops.
- (11) Restaurants, tea rooms or cafes.
- (12) Sporting goods shops.
- (13) Travel agencies.
- (14) Professional offices.
- (15) Pharmacies and drug stores.
- (16) Camera shops, photographic studios.
- \* (17) Other uses may be permitted as contained in Article 15 subject to the issuance of a conditional use permit.

Section 2905: DESIGN CRITERIA IN THE PC ZONE. The following design criteria are hereby established:

(1) The overall plan shall achieve an integrated land and building relationship.

(2) Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site.

(3) The layout of structures and other facilities shall effect a conservation in street and utility improvements.

(4) Architectural unity and environmental harmony within the development and with the surrounding properties shall be attained.

(5) Off-street parking shall conform to the current City of Oceanside standards.

(6) Building Height Limits: Building height limits may be stipulated by the Planning Commission and/or City Council for any area covered by the PC Zone, or any area covered by the development plan. Consideration shall be given to building heights in relation to adjacent property and building inter-relationship with the development.

(7) Utilities: All utilities shall be underground.

(8) Refuse Storage: All outdoor trash, garbage, and refuse storage areas shall be screened on all sides from public view by a minimum 6-foot high decorative concrete block or masonry wall.

(9) Storage: All storage of wares, merchandise, crates, bottles, or similar items shall be within a completely enclosed building.

(10) Lighting: All lighting of the building, landscaping, parking lot, or similar facilities shall be so hooded and directed as to reflect away from adjoining properties.

(11) Mechanical Equipment: All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be completely screened from all view through the use of parapet walls or other similar structures.

Article 29 (Cont'd)

Section 2906: SIGNS. The following regulations shall be applicable to the PC Zone:

(1) Three square feet of sign area up to a maximum of 200 square feet, will be allowed on the front of the building for every lineal foot of building frontage (see definition). No such sign need be less than 40 square feet regardless of the lineal building frontage.

(2) Three square feet of identifying sign up to a maximum of 150 square feet, will be allowed on the side and/or of a building for every lineal foot of building frontage when said side or rear is oriented to or faces a public parking area or street.

(3) All attached signs must be flat against the building or structure and shall not extend above the top of the wall; must be constructed of metal, wood, or comparable weatherproof material; and must be enclosed and bird and vermin proof, interior signs excepted.

(4) One name plate, not exceeding 2 square feet in area, containing the name, address, hours of operation or license number of an occupant will be allowed at every exterior entrance to a building.

(5) No sign may encroach upon or overhead adjacent property or public right-of-way unless an encroachment permit has been approved.

(6) Signs painted on the walls of buildings are prohibited.

(7) All sign illumination will be from the interior, and no sign visible from a public street shall be constructed or maintained to flash, rotate, or in any way simulate motion.

(8) The square footage of a sign made up of letters, words, or symbols within a frame, etc. shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols. Only those portions of the construction elements that are an integral part of the sign itself shall be considered in the allocation of square footage allowed.

(9) One sign bearing the name of the occupants of the building and conforming to a size of not more than 5 feet in horizontal length and 1 foot in vertical height shall be permitted in addition to the other signs allowed herein when such signs are placed beneath a canopy or roof overhang, with a minimum clearance of 8 feet from the sidewalk.

(10) A detached sign, no higher than 25 feet from ground surface, shall be permitted to identify a shopping center. The total area of sign displayed shall not be larger than 100 square feet per face of 200 square feet total when the gross square feet of floor space of the shopping center is less than 30,000 square feet shall not be larger than 200 square feet per face or 400 square feet total when the gross square feet of floor space of the shopping center is more than 30,000 square feet. The general location and dimensions of the identification sign shall be approved by the Planning Director unless fixed by a development plan or by the Planning Commission or by the City Council.

Article 29  
Section 2906 (Cont'd)

(11) The outdoor display and sale of merchandise and minor temporary signs relating thereto during special promotional events may be permitted for the use of any shopping center for a period of not to exceed three consecutive shopping days during any calendar year, such activity to be conducted wholly on private property.

(12) All signs shall be structurally safe, shall be painted (nontoxic) or of rust inhibitive material and shall be maintained in good condition as determined by the Planning Director, Building Official, Planning Commission, or City Council. It shall further be the responsibility of the property owner of the land and/or improvements to remove any sign or signs on premises abandoned for a period of over 60 days.

(13) One temporary double-faced or two single-faced signs, no higher than 10 feet from ground surface, not to exceed 75 square feet per face, denoting the proposed or future construction on a particular site will be allowed for a period not to exceed six months prior to construction, with the right of renewal for an additional six months. Said sign may indicate the particulars of the proposed construction; the company, firm, individual, etc. instrumental in its creation; the architect, engineer, contractor; and rental, sale, or lease information. If construction commences, said sign or one similar thereto will be allowed until seven days after completion of the project, which will be determined from the date of the occupancy permit.

Section 2907: REFERRAL TO ADVISORY COMMISSION. All uses as specified in this Article, requiring review by an Advisory Commission shall be referred to the Commission after initial application has been made to the City of Oceanside. Submittal of the application together with all necessary information shall be made to the Commission at least five (5) days prior to any regularly scheduled Commission meeting by the Secretary of the Planning Commission. The Planning Commission and/or City Council shall not take action on any application until a written report setting forth recommendations regarding the particular application, signed by the Chairman of the Advisory Commission or his representative, has been received by the City of Oceanside.



ARTICLE 30  
ENACTMENT AND REPEAL

Section 3000: REPEALING CLAUSE. Ordinance No. 655 of the City of Oceanside, and all ordinances amendatory of said ordinance shall be and the same are hereby repealed, as are also all other ordinances and parts of ordinances insofar as such other ordinance or ordinances conflict with the provisions hereof. The land use map, which is a part of Ordinance No. 655 and as amended by subsequent ordinances, shall continue in full force and effect as amended by this ordinance and any nonconformity under or violation of said Ordinance No. 655 and the land use map, established by such ordinance and amendments thereto shall not have its status altered or changed by the repeal of Ordinance No. 655 and the adoption of this ordinance except as the provisions of this ordinance and the map which is a part thereof or any amendments thereto may, by their provisions, alter their status.

Section 3001: This ordinance shall become effective at midnight on the thirtieth day from and after the date of the final passage and adoption thereof.

Section 3002: The City Clerk shall certify to the passage and adoption of this ordinance; and said Ordinance shall be published once in the daily Blade-Tribune, a newspaper of general circulation published and circulated in the City of Oceanside, California.

Section 3003: Passed and adopted by the City Council of the City of Oceanside, California at a regular meeting of said City Council held on the 8th day of January, 1958 by the following vote, to wit:

AYES: Jones, Lewis, McComas, Turnbull and Sklar.

NAYS: None

ABSENT: None

(Signed) ERWIN SKLAR  
Mayor of the City of Oceanside, California

DATE: January 10, 1958.

ATTEST:

TOM LAPHAM  
City Clerk of the City of Oceanside, California.

No. 4710

January 20, 1958



## AMBIGUITIES AND INTERPRETATIONS

The following terms or some aspect of the implied use permitted, have been processed under Section 1602 for policy determinations. These determinations, and the Planning Commission resolution further defining them are summarized as follows:

ALLEY An alley intervening between two parcels still permits these parcels to be considered as "abutting" insofar as the parking provisions are concerned.

AUTOMOBILE REPAIRING This term has been interpreted as meaning primarily the mechanical repair of passenger vehicles. It is recognized, however, that such a use would logically include incidental body repair. (60-P58)

AUTOMOBILE SALES LOTS The parking requirements for such lots have been determined as 1 space for each 2500 square feet of lot area plus spaces for buildings as required under Section 1611. (61-P22)

COMMERCIAL USES including motels, are permitted commercial parking space standards in R-P and R-T Zones (60-P86)

GOLF COURSE has been defined to include "country clubs" and their appurtenant uses. (60-P10).

INSURANCE OFFICES and surety bond offices are determined as permissible uses in an R-P zone. (58-P12).

SALES YARDS such as horticultural nurseries, pottery sales, etc., are determined as requiring one parking space for each 1000 square feet of open display area plus one space for each 600 square feet of building area. (61-P22).

TECHNICAL TRAINING OR TRADE SCHOOLS require one parking space for each 200 square feet of classroom area plus one space for each 600 square feet of building area used for other purposes. (61-P32).

DOWNTOWN PARKING DISTRICT in addition to Ordinance No. 61-34 contained in the amendment section, the following interpretations have been adopted by the City Council from Planning Commission Resolution No. 61-P47:

(1) That the District now be declared exempt, under the authority contained in Section 1615, Ordinance 58-1, to the extent that any existing commercial building may be removed and replaced by a building containing not more than the floor area of the original structure plus 500 square feet.

(2) That the District now be declared exempt, under the authority contained in Section 1615, Ordinance 58-1, from the parking requirements referred to in (Section 2400)."



POLICY DETERMINATIONS CONCERNING SUBDIVIDING AND LOT SPLITS -

ADOPTED BY THE PLANNING COMMISSION AND CITY COUNCIL:

FINAL MAPS are not required to be presented to the Commission as a whole for approval; so long as the map is in accordance with the ordinance and conforms substantially in every respect to the tentative map, the Planning Director may sign such final maps for the Commission. (58-P24).

IMPROVEMENTS REQUIRED ON LOT SPLITS When lots are created, the public street on which they front are required to be improved with curbs, gutters and sidewalks. The City Engineer may waive temporarily some or all of the improvements deemed necessary if one or more of the following conditions is existing. That the street grade has not been established; that there are no similar improvements within 600 feet of the property; that an improvement district is being formed which will include the improvement of subject property. (60-P44). The Council resolution emphasizes the temporary nature of such waivers and specifies that improvements shall be constructed in the future when conditions have changed so that the original reason for waiver is no longer valid. (Res. 60-144).

PANHANDLE LOTS The Planning Commission may grant a variance permitting reduced frontages on streets in the form of "panhandles," where topography and existing conditions are found to justify this. By Resolution 58-P72, the Planning Commission has established a policy governing such panhandles incorporating the following principles:

(1) Such "panhandle" portion shall not exceed 200 feet in length.

(2) The panhandle shall be at least 20 feet in width; this may be accomplished by adjacent 10 foot panhandles with cross-easements.

(3) The panhandle portion shall be paved with 16 feet of asphaltic or concrete paving, properly designed for drainage.

PRIVATE STREETS The Planning Commission and the City Council have approved the concept of private streets within a subdivision provided certain standards and requirements are met.

WARNING:

These are generalized summaries of policy determinations, and are not to be construed as legal interpretations. The resolutions herein referred to, and the concurring action by the City Council should be consulted if any question of interpretation arises. The terminology of these resolutions takes precedence over the terminology used here.

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## SUBDIVISION ORDINANCE

### ORDINANCE NO. 946

AN ORDINANCE PROVIDING REGULATIONS FOR THE DIVISION OF LAND IN THE CITY OF OCEANSIDE, CALIFORNIA AND FOR THE PREPARATION AND PRESENTATION OF MAPS THEREOF, AND PRESCRIBING PENALTIES FOR ITS VIOLATION.

In order to promote public health, safety and general welfare; orderly growth and development of the City; proper use of land; conservation, stabilization and protection of the use value of property; adequate provisions for necessary utilities and convenience, the City Council of the City of Oceanside ordains as follows:

#### ARTICLE I GENERAL

Section 32.1: CHAPTER SUPPLEMENTARY TO "SUBDIVISION MAP ACT"; POWERS AND DUTIES GENERALLY OF PLANNING COMMISSION AS "ADVISORY AGENCY". Pursuant to the "Subdivision Map Act" of the State of California, as it now exists or may hereafter be amended the provisions of this ordinance are supplemental to those of said Act, and shall apply to all subdivisions of land hereafter made when said land is entirely, or partially, within the limit of the City of Oceanside. The Oceanside Planning Commission is hereby designated as the "advisory agency" referred to in said Act, and is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions; and is hereby authorized to approve, conditionally approve or disapprove tentative maps of subdivisions prepared and filed according to this ordinance and the said "Subdivision Map Act", to recommend the kinds, nature and extent of the improvements required to be installed in subdivisions, and to report to the City Council the action taken on tentative maps.

Section 32.1.1: CITY ENGINEER ADVISORY AGENCY FOR PARCEL MAPS. The City engineer is hereby designated the advisory agency as that term is used in the Subdivision Map Act, with respect only to processing of parcel maps filed pursuant to Article IV (Article V of Ordinance No. 946) and as such is authorized and directed to carry out the duties assigned to him thereby including but not limited to the following:

- (a) Investigate each tentative parcel map filed and indicate the nature and extent of improvements required in accordance therewith.
- (b) Approve, conditionally approve, or disapprove tentative parcel maps for compliance with the Subdivision Map Act and the Oceanside City Code, or refer them to the planning commission. (Ord. No. 72-21, 4-26-72).

Section 32.2: CONFORMANCE TO PLANS. A subdivision plan shall conform at all times to any existing precise plan of streets. In the absence of a precise plan of streets and highways, there shall be substantial conformance to the master plan. In the absence of a master plan, the street system in a proposed subdivision shall relate to the existing streets in the area adjoining the subdivision.

Section 32.3: IMPROVEMENTS - GENERALLY. All streets, sidewalks, curbs, gutters, pavements, sanitary sewer lines, sewer pumping stations, water supply systems, culverts, street name signs, fire hydrants, street lights and drainage structures shall be installed at the cost of the subdivider, and shall conform to grades and specifications approved by the City of Oceanside.

Section 32.4: STREETS.

(a) Freeways, limited-access and unlimited-access State Highways shall conform to the standards of the Division of Highways, Department of Public Works, State of California and where same are involved in any subdivision, they shall be subject to individual determination by the City. Said standards of the Division of Highways shall be deemed to be the minimum standards that will be acceptable.

(b) Major thoroughfares shall have a right-of-way width of not less than eighty-four feet and shall be designated as such on the precise plan or master plan of streets and highways.

(c) Secondary thoroughfares shall have a right-of-way width of not less than sixty-six feet and shall be designated as such on the precise plan or master plan of streets and highways.

(d) Local collector streets shall be no less than sixty-feet wide.

(e) Minor and cul-de-sac streets shall have a right-of-way width of not less than fifty feet, nor more than five-hundred feet in length, except where special topographic conditions might justify a lesser width of greater length. The radius at the terminus of the cul-de-sac shall be not less than fifty feet. Cul-de-sac and minor streets shall be subject to individual determination by the City. Stub streets or rights-of-way may be required to the edge of the subdivision.

(f) Special local streets where railroads, parkways, grade separations, freeways and hills, or other dominant factors are involved shall be subject to individual determinations by the City.

(g) Along freeways or limited access highways and along major highways, a service roadway separated from the main traffic roadway by an appropriate separation strip may be required, which service roadway will provide for access to abutting lands and to other public streets. Along major highways and alley or alleys may be required in lieu of such service road or roads as a facility for serving lands marginal to such major highways.

(h) Curved major highways shall have a center line radius of not less than one-thousand feet.

(i) Curved major highways shall have a center line radius of not less than five-hundred feet. Lesser radii may be used if topographic evidence indicates above requirements are not practicable.

(j) Curves on other streets shall have a center line radius of not less than two-hundred feet. Lesser radii may be used where topographic or other conditions make compliance not practicable.

(k) Where two streets intercept or intersect the corners shall be cut either on a twenty-foot radius to which the lot boundaries are tangent, or on a straight line connecting points on both lines twenty-feet distant from the corner of the lot at the intersection of the street.

(l) Street intersections shall be as near right angles as practicable. In no case shall the angle be less than forty-five degrees.

(m) Streets which are a continuation of streets in contiguous territory shall be so aligned as to assure that their center lines shall coincide. In cases where straight continuations are not physically possible, such center line shall be continued by curves.

(n) In areas where no precise plans exist, the layout of all improvements including, but not limited to roadways, curbs, parkways, dividing strips, sidewalks, sewer lines and water mains within the right-of-way of all highways, streets, alleys and utility easements shall be in accordance with standards established by the City Council and where no such standards have been adopted the arrangements shall be subject to approval by the City.

Section 32.3: IMPROVEMENTS-GENERALLY. All streets, sidewalks, curbs, gutters, pavements, sanitary sewer lines, sewer pumping stations, water supply systems, culverts, street name signs, fire hydrants, street lights and drainage structures shall be installed at the cost of the subdivider, and shall conform to grades and specifications approved by the City of Oceanside.

Section 32.5: SANITARY SEWERS. Where a sewer line is constructed or laid within a street, road, alley, or easement the subdivider shall install sewer lines of a type and size approved by the City of Oceanside to the property line of each lot within the subdivided area. All sanitary sewer lines, appurtenances and service connections shall be constructed or laid prior to paving.

Section 32.6: WATER SUPPLY. A water supply system and fire hydrant facilities shall be installed and shall conform to standard practices recognized by the American Water Works Association and meeting the minimum requirements of the Board of Fire Under-



writers of the Pacific. The water supply may be obtained later from the City if mains are installed. Plans shall be subject to approval by the City Engineer and Superintendent of Water Department.

Section 32.7: ALLEYS.

(a) Alleys twenty-feet wide shall be provided at the rear of all lots classified for and to be used for commercial of multiple family purposes but not including two-family use. Alleys elsewhere shall be optional with the City but, if offered, they shall be not less than twenty-feet wide and shall be subject to approval by the City, both as to width and location. If a precise plan indicates alleys which are not required by the general rule, then the alleys thus shown shall be required.

(b) Alleys at the rear of business or industrial property shall be subject to individual determination by the City as to design, location and possible increased width.

(c) Alleys shall be required at the rear of all property fronting directly upon any major or secondary highway.

(d) Where two alleys intercept or intersect, the corners shall be cut either on a ten-foot radius to which the lot boundaries are tangent, or on boundaries line connecting points on both lines ten-feet distant from the corners of the lot at the intersection of the alleys.

Section 32.8 UTILITY EASEMENTS.

(a) Where alleys are not required, utility easements twelve-feet in width shall be provided generally through the interior of the block and in approximately the location that would be occupied by an alley. If an easement parallels and is adjacent to the boundary of a subdivision the utility easement shall be eight-feet in width.

(b) Overhead utilities should be located, where possible, through the interior of the block along either alleys or easements, as the case may be.

(c) Utility easements shall be located where possible through the interior of the block, but may be required along side lot lines where necessary to provide for street lighting.

(d) All proposed drainage easements and improvements shall be indicated on the maps showing the method of disposal of drainage water from the subdivision.

Section 32.9: LOTS.

(a) Lot areas shall be such as will conform to the standards of development as defined by the zoning ordinance or by other precise plans adopted pursuant to law provided no lot shall contain less than a five thousand foot area.

(b) Lots having no frontage on a public street shall be cause for disapproval of subdivision.

(c) The width of lots shall be such as will conform to standards of development as defined by the zoning ordinance or other precise plans adopted pursuant to law, provided the minimum width of interior lots as the rear line of the required front yard setback shall be sixty-feet; or corner lots a minimum width of seventy-feet; provided further, that odd-shaped lots shall be subject to individual determination by the City. Greater lot widths may be required where deemed necessary by the City.

(d) No lot shall be divided by a County, City or School District boundary line.

(e) The side lines of lots shall be approximately at right angles to the street line on straight streets or to the tangent on curved streets.

(f) Double frontage lots having legal ingress and egress rights on parallel or approximately parallel streets shall be avoided. All lots shall be suitable for the purpose for which they are intended to be used.

Section 32.10: BLOCKS.

(a) Blocks less than three-hundred-thirty feet in length, or more than nine-hundred-ninety feet in length, may be cause for disapproval, but in no case shall a block be longer than thirteen-hundred-twenty feet.

(b) In long blocks pedestrian ways at least ten feet wide may be required through the block. Such ways shall be well defined and improved with a minimum of pavement not less than five feet in width.

(c) Long blocks are desirable adjacent to main thoroughfares in order to reduce the number of intersections.



ARTICLE II  
TENTATIVE MAP

Section 32.12: PROCEDURE FOR FILING.

(a) Each proposed subdivision shall be submitted in map form. Not less than ten copies of such map shall be filed with the Secretary of the City Planning Commission. The Tentative Map shall be prepared in accordance with the "Subdivision Map Act" and the provisions of this ordinance. Such filing should be made prior to the completion of final surveys of streets and lots and before grading or construction work within the proposed subdivision that might be affected by changes in the tentative subdivision that might be affected by changes in the tentative map. To assure to the Planning Commission of all necessary information to consider a tentative map, the Commission shall act only upon such tentative maps, together with required statements of other evidence as shall have been filed with the Commission not less than ten days prior to the date of the Planning Commission meeting at which such matter is to be considered.

(b) Prior to the filing of a tentative map the subdivider shall, by a form of notice approved by the City, notify all abutting property owners, (unless the abutting properties have been previously subdivided into small urban lots) as shown on the latest available assessment roll, of his intent to subdivide. A notarized statement of the subdivider's compliance therewith shall be filed with the tentative map.

(c) It is desirable that the subdivider should confer with the staff of the City Planning Commission and the City Engineer before preparing the tentative map and filing it with the City.

Section 32.13: SIZE OF MAP. The size of such tentative map is optional; the scale shall not be less than one-hundred feet to the inch.

Section 32.14: INFORMATION ON MAP. Each such map shall contain the following information:

(a) Name and address of the owner whose property is proposed to be subdivided and the name and address of the subdivider.

(b) Name and address of registered civil engineer, licensed surveyor, landscape architect or land planner who prepared the map.

(c) North point.

(d) Scale.

(e) Date of preparation.

(f) The location, width and proposed names of all streets within the boundaries of proposed subdivision and approximate grades thereof.

(g) Location and width of alleys.

(h) Name, location and width of adjacent streets.

(i) Lot lines and approximate dimensions and numbers of each lot.



(j) Approximate location and width of water courses or areas subject to inundation from floods, or location of structures, irrigation ditches and other permanent physical features.

(k) Contours at not greater than five foot intervals.

(l) Approximate location of buildings and permanent structures.

(m) Location of trees within proposed rights-of-way to be dedicated.

(n) Legal description of the exterior boundaries of the subdivision.

(o) Width and location of all existing or proposed public or private easements.

(p) Classification of lots as to intended residential, commercial, industrial or other uses.

(q) Railroads.

(r) Approximate radii of curves.

(s) Proposed name of subdivision.

Section 32.15: SUPPLEMENTAL INFORMATION. The tentative map shall show thereon, or be accompanied by ten copies of reports and written statements from the subdivider giving essential information regarding the following matters:

(a) Source of water supply.

(b) Type of street improvement and utilities which the subdivider proposes to install.

(c) Proposed method of sewage disposal.

(d) Proposed storm water sewer or other means of drainage (grade and size).

(e) Protective covenants to be recorded.

(f) Proposed tree planting.

(g) Proposed grading plan when required.

Section 32.16: FILING FEES. A fee shall be paid to the City Clerk in the following amounts to cover costs of checking each tentative map or maps upon the filing of such map or maps.

(a) Twenty-five (\$25.00) Dollars Plus Two (\$2.00) Dollars per lot for each subdivision other than a subdivision consolidating properties into one lot, or for a subdivision for the purpose of reversion to acreage.

Section 32.17: DISTRIBUTION OF MAPS.

(a) When such required copies of a tentative map are filed, the Secretary of the Planning Commission shall immediately forward one copy to each of the following with the request that, each report its recommendations, if any, to the Planning Commission:

- (1) City Engineer.
- (2) Water Superintendent.
- (3) Division of Highways, State Department of Public Works. (Where affected).
- (4) Health Officer.
- (5) County Planning Commission. (Where affected).
- (6) Adjacent cities. (Where affected).
- (7) Building Inspector.
- (8) Superintendent of Streets.
- (9) Fire Department.
- (10) City Manager.

(b) Prior to the consideration by the Planning Commission of a tentative map and within the ten days following its filing those receiving copies of the map shall make a report in writing to the Planning Commission as to any recommendation in connection with the tentative map and its bearing on particular functions. Failure of any notified agency listed above to so report shall be deemed approval by such agency or department.

(c) The Planning Commission shall consider a tentative map at its first regular meeting held not less than ten days following the filing of said map. Action on such tentative map in approving, conditionally approving or disapproving, shall be taken not later than thirty days following the meeting at which it was first considered. Within not to exceed ten days following the action by the Planning Commission upon any tentative map, the Secretary of the Commission shall transmit a copy of the record pertaining to such action to the subdivider and the City Council. A copy of such official action on a tentative map shall also be permanently affixed to the official file copy of such map in the records of the Planning Commission.

Section 32.18: REPORTS TO ACCOMPANY MAPS.

(a) The City Engineer shall examine the map as to its compliance with the laws and ordinances of the City of Oceanside, the master street plan and other precised plans of the City, the existing street system and good engineering practice.

(b) The City Engineer's written recommendation shall set forth the size and type of improvement necessary for public use and safety to be constructed by the subdivider before acceptance of the final map and such other recommendations as deemed desirable.

(c) The Superintendent of the Water Department shall set forth in writing his recommendations concerning the water supply system.

(d) The Building Inspector shall set forth in writing his recommendations concerning the sanitary system and lot design.

Section 32.19: COUNCIL ACTION AND REPORT.

The City Council shall, by resolution, report its action thereon either approving, conditionally approving or denying the map to the subdivider and the City Planning Commission not later than ten days following the first meeting of the City Council subsequent to the date on which the report of the City Planning Commission was received.

## ARTICLE III

### FINAL MAP

#### Section 32.20: PROCEDURE FOR FILING: TIME LIMIT: EXTENSION.

After receipt of the resolution of the City Council approval or conditionally approving the tentative map, the subdivider may, within eighteen (18) months from the date of said approval, proceed to prepare and file a final map as herein provided. If such final map is not recorded within eighteen (18) months from the date of the approval of the tentative map, said map shall be considered abandoned, provided that prior to the expiration of one (1) year and upon application by the subdivider, the time limit may be extended for a period not to exceed two (2) additional years. (Ord. No. 946, 400; Ord. No. 71-40, 10-13-71)

#### Section 32.21: SIZE, FORM, SCALE AND CONTENTS.

(a) The final map shall be clearly and legible delineated upon tracing cloth of good quality. All lines, letters, figures, certificates, acknowledgements and signatures shall be made in black waterproof india ink, except that affidavits, certificates and acknowledgements may be legibly stamped or printed upon the map with black opaque ink.

(b) The size of each sheet shall be 18 x 26 inches.

(c) A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.

(d) The scale of the map shall be large enough to show all details clearly, and enough sheets shall be used to accomplish this end.

(e) Each sheet shall be numbered, the relation of one sheet to another clearly shown, and the number of sheets used shall be set forth on each sheet.

(f) The tract number of name, scale and north points shall be shown on each sheet of the final map.

#### Section 32.22: REQUIRED INFORMATION.

The following information shall be required:

(1) On the map:

(a) If more than three sheets are used, an index showing entire subdivision with lots numbered consecutively shall be included.

(b) Title, number of tract, date, north point and scale.

(c) Legal description of land included.

(d) Location and names, without abbreviations, of all

(1) Proposed streets and alleys.

(2) Proposed public areas and easements.

(3) Adjoining streets.



(e) Dimensions in feet and decimals of a foot.

(f) Dimensions of lots.

(g) Each lot shall be numbered, each block may be lettered or numbered. Each lot shall be shown entirely on one sheet.

(h) Center line data on streets, alleys and easements, including bearing and distances.

(i) If any portion of the land within the boundaries shown on any final map is subject to inundation or flood hazard by storm waters, such fact and an identification of the affected portion shall be clearly shown on such final map by a prominent note on each sheet of such map whereon any such portion shall be shown.

(2) Additional information to be furnished:

(a) The subdivider shall furnish the Planning Commission with certification from a licensed engineer as to whether the property when improved will be subject to flood waters or inundation or if the depth of the ground water is less than ten feet from the ground surface. If either or both of these conditions is found to exist the Planning Commission shall so inform the State Real Estate Commissioner.

(b) In the event that a dedication of right-of-way for storm drainage purposes is not required, the Planning Commission may require that the location of any water-course, channel, stream or creek be shown on the final map.

(c) Any final map of a subdivision presented to the City Council for acceptance of easements and recordation shall be accompanied by an additional copy on which is delineated all existing and proposed structures and utilities within the subdivision, except publicly-owned storm drains, sewers, and other sanitary facilities, whether such structures are on recorded easements or not.

#### Section 32.23: RECORDS OF EASEMENTS.

(a) The final map shall show the center line data, width and side lines of all easements to which the lots are subject. If the easement is not definitely located of record, a statement as to the easement shall appear on the title sheet.

(c) The easement shall be clearly labeled and identified and if already of record proper reference to the records given.

(d) Easements being dedicated shall be so indicated in the certificate of dedications.

(e) At the time the subdivider presents the final map to the Planning Commission there shall be presented certificates executed respectively by the various public utility companies authorized to serve in the area of the subdivision certifying that satisfactory provisions have been made with each of said public utility companies as to location of their facilities; and that easements,

where required by such companies, have been provided for in the final map. Easements for public utility companies shall be designated on the final map as "Easement for Public Utilities."

Section 32.24: SURVEY DATA.

(a) The final map shall show the center lines of all streets; length, tangents, radii and central angles or radial bearings of all curves, the total width of each street, the width of the portion being dedicated and the width of rights-of-way of railroads, flood control or drainage channels and any other easements existing or being dedicated by the map.

(b) Surveys in connection with the preparation of subdivision maps as in this ordinance provided shall be made in accordance with standard practices and principles for land surveying. A traverse of the boundaries of the subdivisions and all lots and blocks shall close.

(c) Traverse sheets and work sheets showing the closure of the exterior boundaries and of each irregular block and lot shall be provided.

Section 32.25: REQUIRED SURVEYING DATA. Each final map shall have indicated thereon the following:

- (a) Radius, tangent, arc length and central angle of curves.
- (b) Suitable primary survey control points.
  - (1) Section corners.
  - (2) Monuments (existing outside of subdivision.)
- (c) Location of all permanent monuments within subdivision.
- (d) Ties to and identification of adjacent subdivision.
- (e) Ties to and City or County boundary lines involved.
- (f) Required certificates.

Section 32.26: SURVEYING DATA FOR LOTS.

(a) Sufficient data shall be shown to determine readily the bearing and length of each line.

- (b) Dimensions of lots shall be the net dimensions.
- (c) No ditto marks shall be used.

(d) Lots containing one acre or more shall show net acreage to nearest hundredth.

Section 32.27: LOT NUMBERS.

(a) The lots shall be numbered consecutively, commencing with the number 1, with no omissions or duplications.

- (b) Each lot shall be shown entirely on one sheet.

(c) Blocks may be used, but not preferred. They shall be consecutively numbered in the same manner as required for numbering lots or they may be lettered in alphabetical sequence beginning with the letter "A".

(d) Lots within each block shall be numbered as herein provided for subdivisions, where blocks are not employed.

Section 32.28: ESTABLISHED LINES.

(a) Whenever the City Engineer has established the center line of a street or alley such data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper references made to field book or maps of public record, relating to the monuments. If the points were reset by ties, the fact shall be stated.

(b) The final map shall show city boundaries crossing or adjoining the subdivision clearly designated and tied in.

Section 32.29: EXISTING MONUMENTS.

(a) The final map shall show clearly what stakes, monuments or other evidence was found on the ground which were used as ties to determine the boundaries of the tract.

(b) The corners of the adjoining subdivisions or portions thereof shall be identified and ties shown.

Section 32.30: NEW MONUMENTS.

(a) In making the survey for the subdivision, the surveyor shall set sufficient permanent monuments so that the survey or any part thereof may be readily retraced. Such monuments shall be not less than an iron pipe with a two inch outside diameter, not less than two feet in length centered with a copper disk in a lead plug or Portland cement flush with the surface of the ground. Such monuments shall generally be placed at angle points on the exterior boundary lines of the tract at intervals of not more than one-thousand feet. Monuments shall be placed at intersections of center lines of streets and at beginning of curves and end of curves on center lines. Such monuments may be placed on offset lines, and shall consist of concrete cylinders or blocks six inches in diameter, not less than two feet in length set one foot below the finished pavement with State of California Registration number set firmly in the top of the monument. The character, type and positions of all monuments shall be noted on the map.

(b) For each center line intersection monument set, the engineer or surveyor under whose supervision the survey has been made, shall furnish to the City Engineer a set of notes showing clearly the ties between such monument and a sufficient number (normally four) of durable distinctive reference points or monuments. Such reference points or monuments may be lead and tacks in sidewalks, or two inch iron pipe set back of the curb line and below the surface of the ground, or such substitute therefore as appears to be not more likely to be disturbed.

Such set of notes shall be of such quality, form and completeness and shall be on paper of such quality and size as may be necessary to conform to the standardized office records of the City Engineer. All such notes shall be indexed and filed by the City



Engineer as a part of the permanent records of the City Engineer's Office.

(c) Lot corners shall be marked with 3/4 inch galvanized iron pipe not less than sixteen inches and centered with a copper tack and disk indicating the surveyor's registration number and shall be driven not less than twelve inches into the ground.

Section 32.31: TITLE SHEET.

(a) Below the title shall be a sub-title consisting of a general description of all the property being subdivided, by reference to subdivisions or to sectional surveys.

(b) Reference to tracts and subdivisions shall be spelled out and worded identically with original records, with complete reference to proper book and page of the record.

(c) Title sheet shall show, in addition, the basis of bearings.

(d) Maps filed for purpose of reverting subdivided land to acreage shall be conspicuously marked under the title "The Purpose of this Map is a Reversion to Acreage".

Section 32.32: ACQUISITION OF CERTIFICATE FORMS.

Forms for certificates required by the "Subdivision Map Act" and the City may be secured from the City Engineer.

Section 32.33: FILING FINAL MAP.

(a) For purposes of filing a final map, the subdivider shall submit to the City Engineer an original final map tracing and three dark line prints thereof.

Section 32.34: CERTIFICATE OF TITLE. Each subdivision map shall be accompanied by a guarantee of title showing the names of all persons, firms or corporations whose consent is necessary to pass title to road, street and other easements shown upon said map, and also by a proper deed granting to the City of Oceanside all easements as shown.

Section 32.35: FEES - FINAL MAP. Fees shall be paid in the following amounts to the City Clerk upon the filing of a final map:

(a) Five (\$5.00) Dollars payable to the City for a subdivision consolidating properties into one lot subdivision, or for a subdivision for the purpose of reversion to acreage.

(b) Fifteen (\$15.00) Dollars payable to City for a final map.

(c) In addition a fee of Fifty (\$50.00) Dollars plus two (\$2.00) Dollars per lot shall be paid to the City upon submitting of improvement plans for each subdivision other than a subdivision consolidating properties into one lot or for a subdivision for the purpose of reversion to acreage.



The City Clerk shall issue a receipt for fees received in behalf of the City, identifying same as related to the number of the subdivision for which such fee was tendered.

Section 32.36: DEDICATION AND IMPROVEMENTS.

(a) All streets, highways and parcels of land shown on the final map and intended for any public use shall be offered for dedication for public use.

(b) Streets or portions of streets may be offered for future dedication where the immediate opening and improvements are not required, but where it is necessary to insure that the City can later accept dedication when said streets are needed for the future development of the area or adjacent areas.

(c) The subdivider shall improve, or agree to improve, all land dedicated for streets, highways, public ways and easements as a condition precedent to acceptance and approval of the final map when the areas of abutting lots are an acre or less and such improvements may be required if the areas of abutting lots exceed one acre each. Such improvements shall include such grading, surfacing, sidewalks, curbs, gutters, culverts, bridges, storm drains, water mains and service connections to the property line with cut-off valves, sanitary sewers and such other structures or improvements as may be required by ordinance or deemed by the City Council to be necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs.

(d) All construction of improvements shall be subject to inspection by the City Engineer. Prior to commencing construction of the improvements, the subdivider shall arrange for such inspection and shall deposit with the City Clerk a sum equal to two per cent (2%) of the estimated cost of said improvements which shall be fixed fee deemed sufficient to compensate the City for the cost of inspection.

(e) Four prints each of plans, profiles and specifications or proposed improvements shall be furnished to the City Engineer prior to the time of submitting the final map to him, and be approved by the City Engineer prior to the commencing of any construction or improvements, or before the map shall be filed with the City Council. Such plans and profiles shall show full details of the proposed improvements which shall be according to the standards of the City of Oceanside.

(f) If such improvements work be not completed satisfactorily before the final map is approved, the owner or owners of the subdivision shall, immediately upon approval and before the certification of the final map by the City enter as contractor into an agreement with the City Council whereby, in consideration of the acceptance by the City Council of the street and easements offered for dedication, the contractor agrees to complete the work within the time specified in the agreement.

(g) To assure the City that this work will be completed and lien holders paid, a bond equal to not less than fifty per cent (50%) of the cost of the improvements shall be furnished guaranteeing faith-

ful performance, and guaranteeing payment for labor and materials. The amount of such bond shall be determined by the City Engineer, and approved by the City Attorney as to amount and adequacy of the bond, except in cases where a cash deposit is made.

Section 32.37: IMPROVEMENTS REQUIRED. The minimum improvements which the subdivider will be required to make or enter into an agreement to make in the subdivision prior to the acceptance and approval of the final map by the City Council shall be:

- (a) Adequate distribution lines for domestic water supply to each lot.
- (b) Sewage collecting system where main lines of an adequate disposal system are available.
- (c) Adequate drainage of the subdivision streets, highways, ways and alleys.
- (d) Adequate grading and surfacing of streets, highways, ways and alleys.
- (e) Curbs, gutters and cross gutters.
- (f) Sidewalks along all streets within the subdivision except where due to special conditions, and in the discretion of the Planning Commission and City Council, the waiving of this requirement is deemed in the best interest of the City. In the event the subdivider desires to eliminate this required improvement, he shall seek the consent of the Planning Commission of the City of Oceanside to waive, this requirement; such determination by the Planning Commission shall be subject to approval or rejecting by the City Council of the City of Oceanside whose determination shall be final in any such application for a waiver of this requirement. (60-15).
- (g) Monuments.
- (h) Fire hydrants at locations designated by the Fire Chief.
- (i) Street name signs, two to each intersection.
- (j) Necessary barricades and safety devices.
- (k) Street trees subject to approval of Parks Superintendent or in lieu thereof a sufficient deposit with the City for future tree planting.
- (l) All distribution utility facilities within the boundaries of the subdivision shall be placed underground. The subdivider is responsible for complying with the requirements of this section, and he shall make the necessary arrangements with each of the serving utility companies for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts and other facilities necessarily appurtenant to such underground utilities may be placed aboveground.

Street lighting shall be provided on ornamental standards in locations as recommended by the City Engineer, and the design of such standards shall be subject to approval by the Planning Commission; the subdivider shall also deposit with the City a sum of money sufficient to pay for the energy and maintenance of such street lighting facilities, according to the current schedule of rates approved by the State Public Utilities Commission, for a period of eighteen months. All such lighting on streets to be offered for dedication shall be electric.

The provisions of this subsection shall not apply to existing utility facilities or to the installation and maintenance of overhead electric transmission lines and overhead communication long distance trunk and feeder lines. Further, the City Council may waive any or all of these requirements, except the required payment of energy and maintenance costs of the street lighting, upon a finding that topographic, soil or other conditions make underground installations unreasonable or impractical.

(m) The City Council may require, upon recommendation of the Planning Commission, that television and radio reception shall be provided by concealed antennas or by an underground or otherwise concealed cable and one central antenna in a location to be approved by the Planning Director. (Ord. No. 946, 417; Ord. No. 59-9,; Ord. No. 60-15; Ord. No. 64-49.)

Section 32.38: PROCESSING BY CITY.

(a) One copy of a dark line print shall be filed permanently with the City Engineer. One copy shall be transmitted to the City Engineer for checking and report to the City Planning Commission.

(b) After receiving copies of the final map, the City Engineer shall examine or have examined the map as to sufficiency of affidavits and acknowledgements, correctness or surveying data mathematical data and computations and such other matters as require checking to insure compliance with the provisions of the "Subdivision Map Act" and this ordinance.

(c) One copy shall be returned to the subdivider after showing thereon corrections, if any, or a statement by the City Engineer that the map is correct. When the map is found to be correct the final map tracing shall be certified by the City Engineer and transmitted to the City Council and Planning Commission for its certification.

(d) Upon approval of the map by the City Council, the City Clerk shall certify the map on behalf of the City Council.

If the Final map as submitted conforms substantially in every respect to the recommendations of the Planning Commission pertaining to the tentative map, and no new features have been added which have not been approved by the Commission may certify the said map in behalf of the Commission. If the final map does not so conform, the Chairman and Secretary of the Planning Commission may not certify such map on behalf of the Commission until the Commission specifically so authorizes.



(e) After final map has been recorded in the County Recorder's Office, one duplicate tracing, one cloth print and one paper print of such map shall be furnished to the City Engineer.

Section 32.39.1: SOIL REPORT AND INVESTIGATION.

(a) Purpose. The City Council declares that this section is enacted pursuant to the requirements of Chapter 1001 of the Statutes of 1965.

(b) Preliminary Soil Report. Prior to the submission of the final subdivision map, the subdivider shall file with the building department a preliminary soil report, prepared by a civil engineer who is registered by the state, based upon adequate test borings or excavations of every subdivision, as defined in Sections 11535.1 of the Business and Professions Code. The preliminary soil report may be waived if the Building Department shall determine that, due to knowledge of such department as to the soil qualities of the subdivision, no preliminary analysis is necessary.

(1) Notation of Filing of Preliminary Soil Report. When the Subdivider shall have filed the preliminary soil report herein required, the head of the Building Department shall cause this fact to be noted on the final map together with the date of the report and the name of the engineer making the report, such notation to be in essentially the following form:

"Pursuant to Business & Professions Code Section 11568 notation is hereby made that a soil report prepared pursuant to Section 17953 of Health & Safety Code has been prepared by (NAME \_\_\_\_\_ RCE No. \_\_\_\_\_ which report is dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Said report has been filed with the office of the City Engineer, City of Oceanside.

(2) Waiver of Preliminary Soil Report. In the event the head of the Building Department determines to waive the required preliminary soil report provided in Subsection B of this Section he shall cause a certificate or written endorsement to be place on the certificate page or upon the first page of the subdivision map stating that his department has knowledge as to the soil qualities of the land proposed to be subdivided and that because of this knowledge of the department no preliminary soil analysis or report is necessary; such statement of waiver shall be in writing and signed by the head of the Building Department.

(c) Soil Investigation. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected would lead to structural defects, a soil investigation of each lot in the subdivision shall be prepared by a civil engineer who is registered by the state. The soil investigation shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil. The report shall be filed with the Building Department.

(d) Approval of Soil Investigation. The Building Department shall approve the soil investigation if it determines that the recommended corrective action is likely to prevent structural damage to each dwelling to be constructed on each lot in the sub-



division. Appeal from such determination shall be to the local appeals board. The Building Permit shall be conditioned upon the incorporation of the approved recommended corrective action in the construction of each dwelling. (Ord. No. 65-34, Ord. No. 67-11)

ARTICLE IV  
DIVISION OF LAND

Section 32.40: DIVISION OF LAND BY PARCEL MAP. When an owner or subdivider desires to divide and/or rearrange one (1) or more existing lots or parcels into not more than four (4) parcels or as otherwise provided by Sections 11535, 11575-80, and other applicable provisions of the Business and Professions Code (Subdivision Map Act), he may proceed with the creation of a parcel map in the following manner:

(a) An acceptable tentative parcel map showing the proposed land division shall be prepared by a registered Civil Engineer or licensed land surveyor and filed with the City Engineer. The map shall be of the size and form and shall include necessary information as prescribed by the City Engineer.

(b) Except as hereinafter provided, the owner or subdivider shall offer for dedication, additional streets, alleys, and public ways as required for conformance with the City's master plan of streets and highways and the existing or projected local street system. Standards shall be as set forth in Article 2 (I), Section 201 (32.4) and 205 (32.7) of this Ordinance (chapter).

(c) As a condition precedent to the approval of a parcel map, the owner or subdivider shall agree to construct improvements in and along the parcel frontage upon all existing or proposed public streets and ways as reasonably required for subdivisions. Improvements shall include grading, drainage, curb and gutter, sidewalk, paving, extension of water and sewer facilities, street trees and other improvements as may be determined by the City Council policy. A final parcel map may not be filed with the City Engineer until the required improvements have been satisfactorily constructed or until a cash deposit for the estimated cost of the work has been posted with the City.

(d) When the City has not established the street grade, has not completed design of the necessary improvements, has commenced improvement district proceedings which will include a portion of the work, or for any reason determines that immediate construction of any or all of the required improvements is not practical, the owner or subdivider may post with the City a deposit for the estimated cost of those portions of the improvements to assure completion. When requested thereafter by the City, said improvements shall be constructed by cash contract or included in an improvement district.

(e) If the proposed division of land does not comply with the required minimum lot area or lot width as set forth in the zoning ordinance, or is otherwise contrary to the Subdivision Map Act or subdivision ordinance of the City or to establish resolutions and policies of the Planning Commission or City Council, the City Engineer may refer the map to the Planning Commission for approval.

(f) Upon completion of requirements (a) through (e) above,

the owner or subdivider may proceed with the preparation of a final parcel map of the land division by a registered Civil Engineer or licensed land surveyor. The map shall be of the size and form prescribed by the City Engineer, shall comply with the provisions of Section 11575-80 of the Subdivision Map Act, shall be based upon a field survey showing monuments found and set, and shall include other data as required by the City.

(g) The Building Department shall not issue permits for the erection of any structures upon lots or parcels not complying with this ordinance (chapter).

(h) A fee of twenty-five dollars (\$25.00) shall be paid to the City Clerk to cover the costs of checking the tentative and final parcel maps.

(i) Provided, however, that no final parcel map shall be approved for the division of property until the owner or subdivider shall first deposit with the City for each new parcel created in excess of the number of original parcel or parcels the fee for open space and recreation as required by Section 804 or Ordinance 71-31.

(j) Upon approval of the final parcel map by the City Engineer, the owner or subdivider's engineer or land surveyor shall file the map with the county recorder. He shall pay the recording fee and return an acceptable, reproducible duplicate copy of linen tracing cloth or polyester base film with five blueline prints to the City Engineer for filing. (Ord. No. 946, 500, Ord. No. 58-27; Ord. No. 71-31, 8-11-71; Ord. No. 72-21, 2, 4-26-72).

Section 32.40.1: APPEAL TO CITY COUNCIL. When the applicant is dissatisfied with any action of the City Engineer with respect to a tentative parcel map of the kind, nature and extent of the improvements required, he may appeal to the City Council as provided in Section 11552 of the Business and Professions Code (Subdivision Map Act). (Ord. No. 72-21, 4-26-72).

## ARTICLE V

### PLANNED COMMUNITIES AND CONDOMINIUMS

#### Section 32.41: PLANNED COMMUNITY DEVELOPMENTS.

(a) Notwithstanding any of the provisions of this ordinance, to wit; Ordinance No. 946, as amended, or any other ordinances or provisions of the Oceanside Ordinance Code, the development of a tract of land as a Planned Community Development as provided for as a conditional use under Section 1500 (1) of Ordinance 58-1 may be exempted by the City Council from any or all of the provisions of Ordinance 946, as amended, when such developments are processed and approved as required under Section 1504 of said Ordinance 58-1.

(b) The foregoing exemptions may apply whether conveyance of title by undivided interests, fee title with undivided interests in additional properties within the project, or fee title with membership in an association entitling members to the use of common properties, or where rights of occupancy and use are conveyed by stocks or shares in a corporation holding fee title to the lands and improvements within such project.

Section 32.42: CONDOMINIUMS. A condominium is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property.

(a) All provisions, conditions, and further definitions of condominium development as included in the State Civil Code, Government Code, Taxation Code, and Business and Professions Code shall apply to divisions of real property as permitted herein.

(b) All buildings and uses in a condominium project shall conform to the zoning requirements of the zone in which such buildings are to be located.

(c) Procedure for approval:

(1) A tentative map of the project parcel shall be filed under the terms of this ordinance, showing all parcels or lots to be created on the surface of the land. As used in this article, "project parcel" shall mean the total land on which a condominium subdivision is to be created. Such filing shall include two copies of the proposed declaration of covenants, conditions and restrictions.

(2) Two copies each of floor plans, elevations, and renderings of the proposed project shall be filed with such subdivision map.

(3) A supplementary letter shall be filed which shall state the total number of units to be created by such project, the total floor area (exclusive of garages) within the project, total number of parking spaces, total land area, and percent of coverage (including all buildings and residential parking spaces) of the project.



(4) Subsequent processing of improvement plans and final maps shall be as required by the Subdivision Ordinance.

(5) Recordation of the plan as a condominium as provided for in Section 1351 of the Civil Code shall not be approved until a final map, processed under the foregoing provisions, has been recorded on the property on which said condominium is to be created.

(d) Each project parcel shall have frontage on a dedicated street, or on a street to be offered for dedication, and such street shall be improved to City standards and specifications.

(e) Any other provisions of the Oceanside City Code notwithstanding, each residential unit to be created by such condominiums shall be subject to fees for water, sewer, trash pick-up service and park in lieu fees as though it were a single-family dwelling unit, and each commercial or industrial unit shall pay for such services on the basis of its being an individual business establishment. This provision shall be stated in the declaration of covenants, conditions and restrictions.

(f) The declaration of covenants, conditions and restrictions shall be subject to the approval of the City Attorney and City Council, and no final maps shall be recorded until a resolution specifying such approval is adopted by the City Council.

(g) Nothing herein shall preclude the creation of a condominium project on existing buildings subject to the following conditions:

(1) All provisions of Section 32.42 a-f shall be adhered to except that park and recreation fees will not be required for those structures that have previously been assessed park in lieu fees or for those structures which are more than five (5) years old providing no new dwelling units have been added.

(2) Before submittal of a tentative map application, the applicant shall secure a building inspection report from the Building Department and Fire Department and a letter of clearance from San Diego Gas and Electric Company. Such findings shall be made part of the application.

(3) All current code standards that are required of new construction shall apply to any condominium conversion project. As used here "current code standards" shall mean all standards in construction codes which are in force in the City of Oceanside such as the Uniform Codes, in addition to Subdivision Ordinance standards.

(4) Any public improvements which are made necessary by a particular project and which are deemed reasonably necessary by the City Engineer shall be required to be completed by the applicant.

(5) Gas and electric services shall be individually metered.

(6) Where any of the above requirements cannot be met, the Planning Commission and City Council shall not approve the tentative map unless specific findings are made in the Resolution approving the tentative map waiving any requirements of this ordinance.

(7) The Planning Commission and/or City Council may add additional conditions to the Tentative Map as prescribed by the Subdivision Map Act.

## ARTICLE VI

### \* DEDICATION OF LAND OR PAYMENT OF IN LIEU FEES

Section 32.43. FINDINGS: Pursuant to the provisions of the Subdivision Map Act of the State of California, Sections 11510 and 11546 of the Business and Professions Code, the City Council of the City of Oceanside does find as follows:

(1) The Recreation Element of the General Plan of the City of Oceanside has been adopted.

(2) There is a need, within the City of Oceanside, for approximately 5 acres of playgrounds, playfields, and neighborhood parks for each 1,000 of population, as defined within said Recreation Element, and that such need is over and above other recreational facilities provided on a regional basis or by educational institutions.

(3) The report on Population and Housing, prepared in the development of the General Plan, provides established data from which average densities of residential subdivisions within the various zones can be realistically extracted, and that such densities provide an accurate measure of future recreation needs.

(4) The formula and schedules contained in Section 32.46 and 32.47 following have been mathematically derived on the basis of need as stipulated in (2) above, and shall be used in computing areas to be dedicated or fees to be paid to assure the provision of adequate recreation facilities to each subdivision.

Section 32.44: APPLICATION: The provisions of this ordinance shall apply to all divisions of land within the City of Oceanside by which additional residential lots are created. Every owner, developer or subdivider who creates such lots shall dedicate a portion of land, pay a fee, or do both as set forth in this ordinance for the purpose of providing open space and recreational facilities to future residents of such lots or subdivisions.

Section 32.45: DEDICATIONS OF LAND OR PAYMENT OF FEES IN LIEU OF DEDICATION: The provisions of this ordinance may be met by either dedication of land, payment of fees, or a combination of both. In determining which method shall be used, the following principles shall apply:

(1) Where a tentative map contains 50 lots or more, the City Council may require the dedication of land that is usable for recreation purposes provided:

(a) The location is not in conflict with the Recreation and Consercation Plan of the General Plan;

(b) Topography, soils, soil stability, drainage location and general utility of land in the subdivision available for dedication;

\*Adopted by Ordinance 73-15. (5-25-73).

(c) Size and shape of the subdivision and land available for dedication;

(d) The amount, usability, and location of publicly owned property available for combination with dedicated lands in the formation of local park and recreation facilities;

(e) The recreation facilities to be privately owned and maintained by future residents of the development.

(2) Parcels dedicated for park purposes need not be within the boundaries of the subdivision but must be within a reasonable distance to serve the future occupants of said subdivision.

(3) The decision to accept or reject any offer of dedication shall be optional with the City Council.

(4) The City Council may determine that dedication of land is not desirable, in which case a payment of fees in lieu thereof, in such amount as defined hereafter, shall be required.

(5) In divisions of land in which there are to be fewer than 50 lots created, the City Council may accept dedication of land under the same provision as (1) above, but may not require such dedication. Payment of fees in lieu thereof shall be required, said fees to be computed on the basis as provided for in Section 32.47.

Section 32.46: COMPUTATION OF AMOUNT OF LAND WHEN DEDICATION IS OFFERED OR REQUIRED: Where a park or recreational facility has been designated in the Recreation and Conservation Plan, an element of the General Plan of the City, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography to serve the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following standards and formula:

<u>Dwelling Type</u>	<u>Zoning District</u>	<u>Assumed Density</u>	<u>Standard: Acres/DU</u>
Single family	Any A, R, PRD, PCD, SP	4.0 persons/du	2 ac/100 du 0.02 ac/du
Duplex, low density (6-25 du/ac) apts.	R-2, R-3 PRD, PCD	2.5 persons/du	2 ac/160 du 0.0125 ac/du
High density apts (above 25 du/ac)	R-3, PCD	2.0 persons/du	2 ac/200 du 0.01 ac/du

Dedication of the land shall be made in accordance with the procedures contained in Section 32.49 hereof.



Section 32.47: AMOUNT OF FEE IN LIEU OF LAND DEDICATION:

(1) General formula: If there is no park or recreational facility designated in the Recreation and Conservation Plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the following schedule:

<u>Type of Dwelling</u>	<u>Fee/DU</u>
Single family	\$240
Duples or medium density apt. 6-25 du/ac	\$150
High density apt. above 25 du/ac	\$120

(2) The number of dwelling units shall be determined by one of the following methods:

(a) By the actual number of units proposed as shown on an approved tentative map or specific plan indicating the exact number of units which will be constructed on each parcel of land covered by the subdivision.

(b) In the event that a specific plan or tentative map has not been approved prior to subdivision of any R-3 zoned land, or the actual number of dwelling units within the development is not known prior to construction, and if the subdivider elects to pay fees at the time of the final map, the number of units for which a fee will be charged will be determined by the number of acres to be subdivided, multiplied by 25 dwelling units per acre for those areas generally lying easterly of Interstate 5 or 50 dwelling units per acre for those areas lying westerly of Interstate 5. This density factor is based on the average density generated under present City of Oceanside Zoning Ordinance development standards.

(3) In the event that actual construction or development of all or portions of the subdivision of any R-3 zoned land is not expected at the time of filing of a final subdivision or parcel map, the fees as required under the provisions of Section 32.47 may be temporarily deferred by the City Engineer. If such fees have been deferred, the final map on file with the Building Official shall indicate that in lieu park fees shall be deposited prior to or at the time of issuance of building permits and the Building Official shall not issue any permits until such fees have been deposited, and the resolution approving any final map shall direct the Building Official that he is not authorized to issue any building permit for improvement in that area until the deferred fees are paid.



Section 32.48: CRITERIA FOR REQUIRING BOTH DEDICATION AND FEE: In subdivisions of over 50 lots, the subdivider shall both dedicate land and pay a fee in lieu thereof in accordance with the following formula:

(a) When only a portion of the land to be subdivided is proposed on the Recreation and Conservation Plan as the site for a local park, such portion shall be dedicated for local park purposes and a fee computed pursuant to the provision of Section 32.47 hereof shall be paid for any additional land that would have been required to be dedicated pursuant to Section 32.46.

(b) When a major part of the local park or recreational site has already been acquired by the City and only a small portion of land is needed from the subdivision to complete the site, such remaining portion shall be dedicated and a fee computed pursuant to the provisions of Section 32.47 hereof shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated pursuant to Section 32.46 hereof, such fees to be used for the improvement of the existing park and recreational facility or for the improvement of other local parks and recreational facilities in the area serving the subdivision.

Section 32.49: LIMITATION ON USE OF LAND AND FEES: The money collected hereunder shall be used only for the purpose of providing park or recreational facilities reasonably related to serving the subdivision by way of the purchase of necessary land or, if the City Council deems that there is sufficient land available for the subdivision, for improving of such land for park and recreational purposes.

Section 32.50: SUBDIVISIONS NOT WITHIN THE GENERAL PLAN OR CITY LIMIT: Where the proposed subdivision lies within an area not then but to be included within the City General Plan or city limits, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, in accordance with the adopted park and recreational principles and standards of the City General Plan and in accordance with the provisions of this ordinance.

Section 32.51: PARTIAL CREDIT FOR PRIVATE OPEN SPACE: Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed 50%, may be given against the requirement of land dedication or payment of fees in lieu thereof if the City Council finds that it is in the public interest to do so and that all the following standards are met:

(1) Yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space;

(2) The private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions;

(3) The use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the City or its successor;

(4) The proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location;

(5) Facilities proposed for the open space are in substantial accordance with the provisions of the Recreation and Conservation Plan of the General Plan; and

(6) The open space for which credit is given is a minimum of three acres and provides a minimum of five of the local park basic elements listed below, or a combination of such and other recreational improvements that will meet the specific recreation park needs of the future residents of the area:

	<u>Acres</u>	
1. Children's play apparatus area	.50 to	.75
2. Landscape park-like and quiet areas	.50 to	1.00
3. Family picnic area	.25 to	.75
4. Game court area	.25 to	.50
5. Turf playfield	1.00 to	3.00
6. Swim pool (42' x 75' with adjacent deck and lawn areas)	.25 to	.50
7. Recreation center building	.15 to	.25

Before credit is given, the City Council shall make written findings that the above standards are met.

Section 32.52: PROCEDURE: The procedure for determining whether a subdivider is to dedicate land, pay a fee, or both, shall be as follows:

(1) At the time of filing a tentative map, the owner of the property shall, as part of such filing, indicate whether he desires to pay a fee in lieu thereof. If he desires to dedicate land for this purpose, he shall designate the area thereof on the tentative map.

(2) At the time of tentative map approval, the City Council shall determine as a part of such approval whether to accept such dedication, require a payment of a fee in lieu thereof, or a combination of both.

(3) Where dedication is required it shall be accomplished in accordance with the provisions of the Subdivision Map Act. Where fees are required, the same shall be deposited with the City prior to the approval of the final map except as heretofore provided in Section 32.47 (3).

(4) At the time of final map approval, the City Council shall designate the time when development of park and recreation facilities on any portion accepted for dedication shall commence.

(5) On divisions of land processed under the provisions of the Parcel Section of the Subdivision Ordinance, the City Engineer shall determine the amount of fees to be paid as provided for in Section 32.47 hereof, which fees shall be paid prior to the approval of such parcel map.

Section 32.53: INDUSTRIAL SUBDIVISIONS: The provisions of this ordinance shall not apply to industrial subdivisions.

Section 32.54: CONDITION OF SUBDIVISION OR PARCEL MAP APPROVAL: As a condition of approval of a final subdivision map or parcel map, every owner, developer or subdivider shall deposit with the City the fees required and computed under the provisions of Section 32.47 of this Article, unless such map includes the dedication of sufficient parkland as approved by the City Council pursuant to the provisions of this Article.

GRADING ORDINANCE

ORDINANCE NO. 73-46

AN ORDINANCE OF THE CITY OF OCEANSIDE REPEALING ORDINANCE NO. 63-51 AND ADOPTING A NEW ORDINANCE REGULATING EXCAVATING, GRADING, AND EMBANKMENT OF LAND WITHIN THE CITY OF OCEANSIDE, PRESCRIBING THE CONDITIONS AND SPECIFICATIONS TO BE MET AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

The City Council of the City of Oceanside DOES ORDAIN as follows:

Ordinance No. 63-51 regulating excavating, grading and embankment of land within the City of Oceanside is hereby repealed and the following is enacted in place and instead thereof:

ARTICLE 1.  
DECLARATION OF PURPOSE

Section 100. PURPOSE OF ORDINANCE: To establish an official set of standards regulating the design and composition of building sites and the development of property by grading and to regulate the excavation of natural resources to serve the public health, safety and general welfare, minimize differential settlement, slipping or sliding of earth, and protection of adjacent properties from damage caused by blockage or diversion of natural run-off waters, require engineering analysis of expansive soil conditions, erosion and drainage and provide a basis for the design of footings and floor slabs on structures proposed to be erected on parcels of land whose natural topography has been altered as described herein.

Section 101. NAME OF ORDINANCE: This ordinance shall be known as the "Land Development Ordinance."

ARTICLE II.  
DEFINITIONS

Section 200. EMBANKMENT: Any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, filled, transported or moved to a new location and the conditions resulting therefrom.

Section 201. EXCAVATION: Any act by which earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and the conditions resulting therefrom.



Section 202. LAND DEVELOPMENT: The making of excavations or embankments on private property and the construction of slopes, drainage structures, fences, retaining walls, and other facilities incidental thereto, where it is necessary to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction and quality of materials and use,

Section 203. SUBDIVISIONS: For purposes of this ordinance, a subdivision is any division of property resulting in the erection of one or more new parcels of record.

Section 204. MAXIMUM DENSITY: Maximum density means the density obtained by laboratory methods as established by American Society for Testing Methods D-1557-58-T. To obtain relative density, field density shall be determined as described by American Society for Testing Methods Test D-1556-58-T. Relative density is the percentage the field density is of maximum density.

### ARTICLE III. PERMITS

Section 300. PERMIT REQUIRED: It shall be unlawful for any person to make or cause or permit to be made any excavation or embankment under or on the surface of any private land, in the City of Oceanside, for the purpose of creating sites that may be used for building, now or in the future, without first obtaining a permit to do so in the manner hereinafter provided, or in violation of any of the terms or conditions of such permit or of this ordinance; provided however, that on parcels containing less than 25,000 square feet and whose final grade will require no retaining walls or drainage structures, the City Engineer may, upon presentation of satisfactory evidence, waive the permit requirement and provided further that no permit shall be required for any of the following:

- A. The foundation or basement of any structure for which a building permit has been issued.
- B. The grading of a parcel of land which requires:
  - (1) embankment to be less than 4 feet in depth at any one point and the total or accumulated quantity of embankment material is less than 50 cubic yards, and
  - (2) excavation to a depth less than four feet at any one point and the total or accumulated quantity of excavated material is less than 50 cubic yards.
- C. The excavation by any public utility for the installation, operation, inspection, repair, or replacement of any of its facilities.
- D. Work to be done by any agency of the U. S. Government, the State of California, the County of San Diego, or the City of Oceanside.

- E. Subdivisions exempted as hereinafter provided.
- F. Mining or industrial operations subject to a Conditional Use Permit as required in Zoning Ordinance No. 58-1.
- G. Where the use of the land is primarily for commercial agricultural activities.

Section 301. SPECIFIC EXEMPTIONS: A subdivision for which a tentative map has been filed may be exempted from the provisions of this ordinance by the resolution of the City Council adopting said tentative map provided the following conditions are found to exist:

- A. The excavation in any one subdivision is less than 4 feet in depth and averages less than 0.4 cubic yards removed per square yard of area.
- B. The embankment in any one subdivision is less than 2 feet in height and averages less than 0.2 cubic yards of material deposited per square yard of area.

Section 302. GRADING WITHOUT PERMIT: When any grading work has commenced prior to the issuance of a valid permit for such grading, the City Engineer shall cause such work to cease and remain stopped until he reviews and examines the work already done to determine whether the grading was done in conformance with the requirements of this ordinance. A fee for this examination shall be levied against the permittee in an amount equal to that charged as the regular permit fee as determined by the rates set forth in Article IX.

Section 303. LIABILITY: Neither the issuance of a permit under the provisions of this ordinance, nor the compliance with the provisions hereof or with any conditions imposed by the City Engineer hereunder, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the City of Oceanside for damage to other persons or property.

Section 304. RESPONSIBILITY OF PERMITTEE: Protection of utilities and property: During grading operations the permittee shall be responsible for the prevention of damage to any public street, utility or service. This responsibility applies within the limits of grading and along any routes of travel equipment.

The permittee shall be responsible for the prevention of damage to adjacent property and no person shall excavate on land sufficiently close to the property line to endanger any public street, sidewalk, alley or other public or private property without supporting and protecting such property from settling, cracking, or other damage which might result.

Section 305. PERMITS MAY SPECIFY HAUL ROUTES AND OTHER SPECIAL CONDITIONS:

- A. Where excavation or embankment material is imported or exported from one grading site to another over public streets and the quantities involved exceed 50 cubic yards, whether or not either site is otherwise subject to grading permit requirements, the City Engineer may specify the route to be used in transporting the materials upon public streets and a Grading Permit must be obtained. Deviation from this designated haul route shall constitute a violation of the conditions of the permit and of this ordinance. When the City Engineer does specify a route he shall do so in writing on the permit document and shall immediately notify the Traffic Division of the Oceanside Police Department that said haul route has been specified.
- B. The City Engineer may further specify load limits where, in his opinion, the standard load capacity of vehicles used in such hauling would cause excessive damage to streets on the designated route. Any grading or hauling contractors moving earth materials in violation of this ordinance shall be financially responsible for any damage to the public streets done by the hauling vehicles and shall pay to the City of Oceanside the cost, as determined by the City Engineer, of repairing such damage.
- C. At least 24 hours before hauling is to commence, the applicant shall also be required to notify the Traffic Division of the Oceanside Police Department and the City Engineer. The Police Department may require traffic control devices to be provided by the applicant where reasonably necessary to protect the health, safety, and general welfare.
- D. The permit may specify other conditions which may be shown necessary where the use of public streets is concerned in order to minimize a disruption in normal traffic activities and public inconvenience.

Section 306. NO DEBRIS ON PUBLIC STREET: Vehicle Code Section 23112 (b) forbids the placing, dumping, or depositing of dirt and rocks on the public streets or any portion of the public right of way. All vehicles engaged in hauling materials under the permit provisions of this ordinance shall refrain from depositing dirt or debris on the public street by any means including, but not limited to, spillage from the bed of a truck or other vehicle and debris collected on the wheels of the haul vehicle.



Section 307. CLEAN-UP: The contractor doing any earth moving operation under this ordinance which requires vehicles to haul earth materials on any public street shall be responsible for the complete removal of such materials from the street if earth, mud, or other material is spilled, dumped, or deposited on a public street. If the contractor fails to remove completely such spillage and it is necessary for the City to cause such removal to be made, the contractor shall be liable to pay to the City of Oceanside the full cost of such removal work.

Section 308. RESPONSIBILITY OF LAND OWNER: It shall be unlawful for the land owner (or owner of record, possessor or person in control thereof), to place, construct, deposit, or allow the placement, construction or deposition of embankment material on any real property in excess of fifty (50) cubic yards without first obtaining a permit, hereinafter described, and without the subsequent processing of said embankment material until a relative density of ninety (90%) percent of maximum density compaction has been achieved.

Section 309. SITE DEVELOPMENT PLAN: Grading operations without a site development plan showing how the property will be developed shall not be allowed.

#### ARTICLE IV REQUIRED INFORMATION

Section 400. SUBDIVISIONS INVOLVING PUBLIC IMPROVEMENTS: For subdivisions in which public improvements are to be made, an application shall be submitted with and in addition to the required improvement plans. The faithful performance bond, or cash deposited to guarantee improvements, shall be sufficient to include any additional requirements imposed by this ordinance.

Section 401. GRADING INVOLVING NO PUBLIC IMPROVEMENTS: For land on which grading operations are to be done for the purposes of creating building sites involving no public improvements and for which no improvement plans would normally be filed, an application shall be made to the City Engineer for a Land Development Permit prior to the commencement of any grading operations. The City Engineer may require the posting of a faithful performance bond or the deposit of cash in lieu thereof, to cover any required protective structures, drainage structures, and slope stabilization.

Section 402. APPLICATION FOR PERMIT: The application for a Land Development Permit shall be made on a form as provided by the City Engineer. Said application shall require the following information be submitted by the applicant:

- A. Name, address and phone number of applicant.
- B. Name, address and phone number of property owner.



- C. Name, address and phone number of contractor who will actually be performing the proposed work.
- D. Name, address and phone number of superintendent in charge of the work to be performed.
- E. Legal description of property on which work is to be performed.
- F. Type of and necessity for proposed work.
- G. The extent of work including the cubic yards of excavation, the cubic yards of embankment, the cubic yards of excavation to be exported from the property and the location of its deposition. The cubic yards of imported material to be used in an embankment and the location of its source. The proposed haul route to be used by applicant's vehicles.
- H. Site development plan.
- I. The type of equipment to be used and the number of each.
- J. Description of the construction procedures to be used in performing the work.
- K. The hours of operation including the days of the week.
- L. The estimated starting date of the work and the estimated completion date.
- M. Any additional information as may be required by the City Engineer.

Section 403. DATA TO ACCOMPANY APPLICATION: The following information, prepared and signed by a Registered Civil Engineer shall accompany each application for a Land Development Permit:

- A. A general plan on sheets no larger than 24 inches by 36 inches showing the original and designed finish contours, spot elevations of building pads and public improvements, slope ratios, proposed drainage facilities, protective fencing and retaining walls, all drawn to engineering scales of between 10 and 50 parts per inch.
- B. A statement of the proposed method of grading, including the ratios of the proposed cut and fill slopes.
- C. Laboratory reports covering the bearing and expansive qualities of the land to be worked.
- D. A statement of quantities shall be furnished giving the estimated cubic yards of excavation, embankment and the

shrinkage or swell factor. Also to be furnished shall be the lineal feet of the various types of ditches and downdrains, the lineal feet and sizes of the various types of pipe, the amount of rock to be used for riprap or slope protection, a list of the structures such as headwalls and energy dissipators, the lineal feet of fencing, the area and type and method of slope planting and any other pertinent information useful in determining the extent of the proposed work.

- E. Specifications to be followed in controlled fills including clearing and scarifying of base material, depth of fill layers, compaction of fill material at optimum of moisture, equipment to be used for compaction, frequency of field density test, minimum density to be obtained in the field, and the location of the borrow area from which fill shall be obtained.
- F. Specifications to be followed for stabilization of all created slopes, including soil preparation, fertilization, plant material, methods of planting, and initial maintenance of plant material.

#### ARTICLE V GENERAL REQUIREMENTS

Section 500. MAXIMUM SLOPES: Slopes created shall not be steeper than  $1\frac{1}{2}$  horizontal to 1 vertical for fill slopes, provided however, where the total height of a fill exceeds 40 feet, the slopes shall be 2 horizontal to 1 vertical, and  $1\frac{1}{2}$  horizontal to 1 vertical for cut slopes. If particular conditions make it appropriate to vary from these slopes, an acceptable slope ratio may be determined by the City Engineer on recommendation of the Soils Engineer based on an analysis of the data on soil characteristics and slope stabilization. One or more benches 8 feet in width and having a longitudinal slope minimum of 2 percent will be required to provide for a drainage ditch lined with air blown mortar or concrete, both reinforced with wire mesh, on all slopes having a vertical height of 20 feet or more. Such lined ditches shall be connected to a properly designed downdrain.

Section 501. LOT LINE LOCATION: Lot lines shall be located at the top of banks wherever practicable.

Section 502. REAR YARD DEPTH: A usable rear yard at least 15 feet in depth from the main building wall to the toe or top of a slope shall be provided for all lots. Where very high slopes are encountered, the usable rear yard distance may be required to be increased by the City Engineer.

Section 502-A. SIDE YARD DEPTH: A usable side yard of at least 5 feet in depth from any building wall to the toe or top of a slope shall be provided on all lots. Where very high slopes are

encountered, the usable rear yard distance may be required to be increased by the City Engineer.

Section 503. STORM WATER RUNOFF: Storm water runoff shall not be carried over the cut and fill slopes but shall be provided for as follows:

- A. Whenever practicable, each lot shall be graded so that storm water will drain from the backyard through the sideyard and front yard directly to the abutting street, and not across other lots or onto cut and fill slopes.
- B. When (A) above is not feasible, storm water shall be collected along the top of banks or at the rear of the graded lots by means of paved gutters and carried to properly sized outfalls or downdrains. Gutters shall be constructed of poured portland cement concrete or air blown mortar, both reinforced with wire mesh. Asphalt concrete may not be used.
- C. Where slopes are benched at 20 foot vertical intervals, drainage shall be provided in paved ditches, a minimum of 36 inches wide, and 12 inches deep. Construction of the ditches shall be as described for the gutters and downdrains in (B) above, and shall be located on the benches with one side of the ditch 2 feet from the toe of slope. Screed wires shall be employed for lateral and longitudinal grade control of the ditches. Where benches are constructed to conform to slope requirements but are intended to be of a temporary nature, the City Engineer may waive temporarily the paving requirements if a satisfactory surety bond or other means to guarantee improvement is posted with the City of Oceanside. These unpaved benches shall have a minimum of 8 feet in width, slope of 2 percent, and a 2-foot deep invert at the toe of slope.
- D. Paved brow ditches shall be constructed in native soil at the top of cut slopes if the quantity of flow over the slopes would be comparable to that on slopes between succeeding benches at 20 foot vertical intervals. Brow ditches shall be constructed as the bench ditches in (C) above, except that the width may be reduced to 30 inches, if the tributary drainage area warrants such reduction.
- E. Connecting downdrains between the brow and/or bench ditches shall be constructed of poured portland cement concrete or air blown mortar, both reinforced with wire mesh, and of sufficient depth to allow for an unimpeded flow when benches are crossed. If pipe downdrains of concrete or asbestos concrete are used, concrete anchor lugs or collars may be required. If corrugated metal pipe is used, it shall be fully asphalt dipped, imbedded in 6 inches of neutral sand and subject to positioning by means of galvanized steel pipe anchors.



- F. The discharge from any down drain, ditch or pipe shall be controlled so as to prevent erosion of the adjacent grounds. Velocities shall be reduced by means of adequately sized aprons of rock, grouted riprap or box type energy dissipators.

Section 504. SETBACKS: Cuts and fills shall be set back from property lines as follows:

- A. The top of a cut shall be a minimum of 3 feet from property line unless a paved brow ditch is required; then the setback shall be 5 feet.
- B. The toe of a fill or embankment shall be set back from property line 1 foot for each 10 feet of embankment, or part thereof.
- C. The above setbacks are minimum and may be increased by the City Engineer if he deems it necessary to provide for greater slope stability or to prevent possible damage from water, soil, or debris.
- D. The City Engineer may reduce setbacks if he determines that the need for the setbacks is reduced or eliminated by the construction of retaining walls or that the owner has the right or privilege to extend slopes onto adjacent properties.

Section 505. DRAINAGE EASEMENT: Permanent private easements shall be provided for all drainageways where the continuous functioning of the drainageway is essential to the protection and use of property other than the lot on which the drainageway is located. They shall be recorded and a covenant and/or deed restriction shall be drawn placing the responsibility for the maintenance of the drainageways on the owner of record of each lot on which said easements are located.

Section 506. STABILIZATION OF SLOPES: In accordance with plans, specifications and methods approved by the City Engineer, slopes shall be fertilized and properly planted with strong root-forming soil-fixing grasses, vines or shrubs, or otherwise treated as necessary to adequately stabilize slopes for the specific development. Maintenance of slope plantings including weed control and regular watering shall be continued by the permittee until firmly rooted, dense, healthy plant growth has been established.

Section 507. RETAINING WALLS: Retaining walls shall be avoided wherever possible, particularly at the toe of high slopes. If they are to be installed, they shall be constructed of reinforced concrete or other masonry and adequately designed to carry all earth pressures including any embankment surcharge. Building permits shall be obtained for such structures from the Building Department.



Section 508. FENCES: A minimum 42-inch high chain link fence or equivalent barrier approved by the City Engineer shall be required at the top of all slopes whose vertical height exceeds 20 feet, or where the slope height exceeds 4 feet and is adjacent to a major street or state highway.

Section 509. CLEARING AND GRUBBING: Any site or area to be graded shall first be cleared and grubbed of all organic growth and materials, rubbish, scrap metal, concrete or clay pipe and any other debris more than 6 inches in one dimension. The debris shall be removed from the site to authorized dumps or disposal areas, and shall not be pushed or otherwise transported to adjacent sites which may be subject to future grading or improvement. An estimate of the dollar cost involved in these removals shall accompany the statement of quantities submitted with the permit application as required in Section 403 (C).

#### ARTICLE VI CONSTRUCTION OF CONTROLLED FILLS.

Section 600. PREPARING AREAS TO BE FILLED: All alluvial or poorly compacted materials shall be removed from the surface upon which other fill material is to be placed. Further preparation shall be to the following specifications:

- A. The surface shall be plowed or scarified to a depth of at least 6 inches, and all uneven features removed which would tend to prevent uniform compaction.
- B. Where fills are made on hillsides or slopes, the slope of the original ground upon which the fill is to be placed shall be plowed or scarified deeply and where the original ground is steeper than 4 horizontal to 1 vertical, the slope bank shall be keyed and benched with the vertical increment of each bench being not less than 30 inches high.
- C. The foundation shall be disced or bladed until it is uniform and free from large clods, brought to the proper moisture content and compacted to not less than 90 percent of maximum density.

Section 601. MATERIALS: Materials for the fill may be obtained from the excavation of banks, borrow pits, or other approved sources. The material used shall be free from vegetable matter and other deleterious substances, and shall not contain rocks or lumps greater than 6 inches in diameter. Structural rock fills will be permitted to be made of predominately large rock or broken concrete only if designed by and done under the direction or the supervision of a qualified field engineer. Such rock fill shall not be permitted within 6 feet of finish grade or within 2 feet of the bottom of any utility pipe line.

Section 602. TREATMENT OF FILL MATERIAL: The selected fill material shall be placed in layers which when compacted shall not exceed 6 inches. Each layer shall be spread evenly and shall be thoroughly blade-mixed during the spreading to insure uniformity of material in each layer.

- A. The moisture content of the fill material shall be such as to assure maximum compaction and stability, and may be controlled by either the addition of water, or, if the moisture content is too high, by the aeration of the soil by additional blading.
- B. After each layer has been placed, mixed and spread evenly, it shall be thoroughly compacted to not less than 90% of maximum density. Compaction shall be by sheepsfoot rollers, multiple-wheel pneumatic-tired rollers or other types of acceptable rollers. Rolling shall be accomplished while the fill material is at the moisture content specified as a result of the data compiled for soil analysis. Rolling of each layer shall be continuous over its entire area, and the roller shall make sufficient trips to insure that the desired density has been obtained.
- C. Fill slopes shall be compacted until the slopes are stable but not too dense for planting. There shall be no appreciable amount of loose soil on the slopes, and the use of grid rollers is encouraged.
- D. Field density tests shall be made of the compaction as determined by the City Engineer, and a copy of the results of each test transmitted to the City Engineer. Where sheepsfoot rollers are used, density readings shall be taken in the compacted material below the disturbed surface soil. When readings indicate that the density of any layer of fill or portion thereof is below the required 90% of maximum density, the particular layer or portion shall be reworked until the required density has been obtained.
- E. Fill operations shall continue as outlined above until the fill has been brought to the finished slopes and grades as shown on the accepted plans.

Section 603. EXPANSIVE SOILS:

- A. Expansive soil is any soil which expands more than 3% when prepared and tested in accordance with Standard Expansive Index Tests (adopted by the San Diego County Ordinance) and while it is subject to a load of one pound per square inch.

- B. In cuts, or designated excavation areas, should expansive soil be found within two feet of the finished lot grade of any area of a site intended or designed as the location for a building, the permittee shall cause such expansive soil properly compacted; provided, however, the City Engineer may, upon receipt of a report by a soil engineer certifying that he has investigated the property and recommended a design of footings or floor slab or other procedure that in his opinion will alleviate any problem created by such expansive soil, waive the requirement that such expansive soil be removed and replaced with nonexpansive soil.
- C. Should expansive soil be found when excavating within the right of way of streets or roads, whether public or private, that may be dedicated to the City of Oceanside the expansive material shall be removed to a depth of one foot below the designed street subgrade between points one foot back of each curb face or gutter line. Elsewhere in the rights of way the expansive material shall be removed to a depth of one foot below designed finish grade. Subgrades shall be re-established by using non-expansive materials.
- D. In fills or embankment areas designated to support buildings, expansive soil shall not be placed within three feet (3') of the finish grade in such building areas unless approved by City Engineer after receipt of a report by a licensed soil engineer certifying that he has investigated the property and recommended a design of footings or floor slab or other procedure that will alleviate any problem created by placing the expansive soil within such building areas.
- E. Where soils with expansive characteristics are used in fill or embankment areas of street or road rights of way, the grades shall be held low enough to accommodate non-expansive materials in the depth and manner as set forth in Section 603 (C) above.

#### ARTICLE VII SUPERVISION

Section 701. SUPERVISION AND INSPECTION: Supervision of the fill and compaction operations shall be by a Registered Civil Engineer. The work shall be subject to inspection by the office of the City Engineer at any and all phases.

#### ARTICLE VIII CERTIFICATION

Section 800. WORK TO BE CERTIFIED: Certification by a Registered Civil Engineer that all land development covered by



the permit, except slope stabilization, has been properly designed and executed, and has been completed in accordance with the accepted specifications, shall be filed with the City Engineer at the time of completion of such work and before the issuance of building permits. The terms of such certification may be used as a basis for determining structural standards or for requiring additional engineering details for load distribution of structures to be placed on filled areas.

Section 801. SLOPE STABILIZATION: Certification of slope stabilization shall be made by the owner of record, a licensed civil engineer, or a licensed landscape architect.

- A. Where necessary due to factors beyond the control of the developer, temporary postponement of the installation of slope stabilization will be considered as an exception to the above required certification provided that an escrow agreement or other assurance acceptable to the City of Oceanside is established assuring repair of slopes and related damage, and installation of stabilization work within a satisfactory specified time.

#### ARTICLE IX FEES

Section 900. FILING FEES: At the time of filing the application, a fee of \$25.00 shall be paid to cover the City's investigation.

Section 901. PROJECTS OF LESS THAN 100,000 CUBIC YARDS: When the amount of earth to be moved is less than 100,000 cubic yards, an additional fee of \$2.00 per 1,000 cubic yards (or fraction thereof) shall be paid at the time the permit is issued.

Section 902. PROJECTS OF MORE THAN 100,000 CUBIC YARDS: When the amount of earth to be moved exceeds 100,000 cubic yards, an additional fee of \$100.00 plus \$1.00 per 1,000 cubic yards (or fraction thereof) in excess of 100,000 cubic yards shall be paid at the time the permit is issued.

#### ARTICLE X PENALTIES-RESTRICTIVENESS ADOPTION

Section 1000. PENALTY FOR VIOLATION: Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail for a period of not more than ninety (90) days, or both such fine and imprisonment. Each such person, firm or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violations of any provisions of this ordinance, including any physical condition created in violation of this ordinance, is permitted,



continued or committed by such person, firm or corporation and shall be punishable therefor as provided for in this ordinance, and any lot, street, alley or other feature made the subject of this ordinance maintained contrary to the provisions hereof shall constitute a public nuisance.

Section 1001. CONFLICT--CONSTITUTIONALITY: Where this ordinance is in conflict with any existing ordinance of the City of Oceanside, the more restrictive ordinance shall govern. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance.

#### ARTICLE XI CODIFICATION

Section 1100. CODIFICATION: This ordinance shall not be codified.

#### ARTICLE XII PUBLICATION

Section 1200. PUBLICATION: The City Clerk of the City of Oceanside is directed to publish this ordinance once, within fifteen (15) days after its passage, in the BLADE TRIBUNE, a newspaper of general circulation published in said City of Oceanside.

#### ARTICLE XIII EFFECTIVE DATE

Section 1300. EFFECTIVE DATE: This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

PASSED, ADOPTED & ORDERED PUBLISHED by the City Council of the City of Oceanside, California, this 22nd day of August, 1973, by the following vote:

AYES: RICHARDSON, BELL, BURGESS, FRENZEL, SMITH

NAYES: NONE

ABSENT: NONE

ABSTAIN: NONE



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